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ADDRESS

OF THE

People of San Francisco

TO THE

MEMBERS OF CONGRESS

San Francisco, Jan. 18, 1895.

Sir: On Saturday evening last, on two days' notice, during one of the heaviest storms of the season, a public meeting was held at Metropolitan Temple in this city (which was crammed to its utmost capacity and from which not less than fifteen thousand people were turned away) to protest, among other things, against any funding of the Pacific Railroad debts.

The strength and unanimity of sentiment, the earnest determination of the audience, which represented every shade of politics, even the Press could not adequately describe.

No counterpart to the scene has ever occurred in this city since 1861, when at the intersection of Market and Montgomery streets twenty-three thousand men resolved to maintain the union of these states with their lives, their fortunes and their sacred honor.

At that meeting, without a dissenting voice, the following resolutions were adopted:

Resolved, By the people of San Francisco in mass meeting assembled, that we enter our solemn protest against the passage of any funding bill whatever, and hereby appeal to the Speaker of the House to protect us by not giving a special order for a day to the Pacific Railroad Committee; and further

Resolved, That we appeal to each individual mem-

ber of the House of Representatives not to overlook the 200,000 protests filed against the bill by the inhabitants of the Pacific Coast.

In order to carry into effect the objects of this meeting, a permanent committee of citizens was appointed with full authority to act. This committee has instructed the undersigned to lay before you in proper manner our peoples' objections to the funding of the railroad debts. In their opposition to funding said debts, notwithstanding what may be said to the contrary, the people of the Pacific Coast are practically unanimous.

Our railroad communication with other parts of the Union has been and is controlled by four men (and their heirs) whose united fortune in 1862 did not exceed half a million. These men were lavishly endowed by the people in their municipal, State and federal capacities with land and money aggregating quadruple the cost of building the said roads; they have drained our people of every dollar that they could extract by excessive freights and fares; they have, through the power thus given them, entrenched their own monopoly, and established and made other monopolies subservient to their interests; they have discouraged the development of the State, and by the addition of extortion and fraud, have accumulated the unprecedented sum of fully two hundred millions of capital.

This fortune, impossible of realization by honorable means, is the aggregation of donations, subsidies and loans; and the fraudulent division and absorption of the earnings and profits of the producing mass. By means of the power thus secured, they

have succeeded in excluding all competition, and have maintained powerful lobbies at every session of the Legislature of this State and the nation, prepared to buy wherever honor was for sale, and to deceive where they could not buy. They have, by the exercise of such power, held this State in a condition of strangulated subserviency.

They now, through their agents and confederates, are seeking to use the Senators and Representatives of this Congress to relieve them of the payment of their just debts and obligations to the government, and to saddle the same on the people of the country, with interest for from fifty to one hundred years to come.

This is but a shifting of the obligation from the men who incurred and should pay it, and the placing it as a mortgage upon the labor of our people and posterity.

Against such action we do now most solemnly protest, as an outrage and a wrong which should not be perpetrated against a free and independent people.

The case of the Union Pacific Railroad Co., it is not our province to discuss. The circumstances surrounding it are different from those attending the construction of the Central Pacific Railroad. We object to the combination of the cases of these two corporations, the object of which is, to use any strength possessed by the one to bolster the weakness of the other.

The Central Pacific Railroad is a California corporation. The creditors (including the Government) are protected not only by principles of

equity but by the individual liability of its stockholders.

It was built and completed by the Contract and Finance Company, a corporation, composed of the same four men who owned the road, and who at its completion in 1869 divided not less than $40,000,000, as the profits of construction over and above its cost and before any practical returns were received on account of operation. By thus diverting $40,000,000 which should have gone to pay the debts of this Company these men have been enabled to dominate the people of the country and have used the means thus illegitimately obtained to assist in building up their enormous fortunes.

Out of this money and the earnings of the Central Pacific they have built the Southern Pacific, its tributaries and its branches. They have stocked the same with the best of the rolling stock belonging to the Central Pacific, and have resorted to every means possible to leave the last-named company in a bankrupt and crippled condition.

There is not an honest and able lawyer or judge in the United States that does not know that, independent of the liability of stockholders under our California law, such transactions as these can be reached through established processes of equity, and Mr. Huntington and the representatives of his deceased associates be forced to disgorge their plunder. No one who investigates the question can fail to ascertain that the object of these funding bills is to condone personal responsibility ; to legally sanction the wrecking of the C. P. R. R. Co., and to consecrate to Mr. Huntington the accumulations

which he actually uses to debauch politics and law.

In this State, with all our long submission to this intolerable tyranny, we feel that we are Americans in fact and in sentiment, and were born with all the rights supposed to be secured by the Declaration of Independence and by our Federal and State Constitutions. If we are to be sold to Mr. Huntington and his associates, let the bill of sale be officially promulgated, not through such a funding bill as has been proposed, but directly and positively. We have built up and sought to develope a great State, as an integral part of the American Union. We have contributed many hundreds of millions to the wealth of the Nation. We have largely, though unwillingly, done the work, out of which the private fortunes of these railroad millionaires, who now seek to extinguish even the equity of redemption, have been constructed. We stood by the Union with men and with money when it needed help. Why should we be reduced to utter slavery and to comparative poverty through a funding bill passed by the representatives of our sister States, which, while *they* cannot be exempted from the demoralization which such a condition reveals, will scarcely feel the financial burthen they impose on us. It is full time that California should be treated, not as a dependent province, but as an American State, and that criminality, hedged only by money and fraud, should not exercise an overpowering influence over us in our National councils. If the debts of a looted corporation are to be funded, then let the debts of honest citizens be also aggregated and funded for fifty or a hundred years

at two per cent. per annum. Any citizen ought to be equal to a railroad corporation or to a plutocrat. We ask for nothing but common integrity and common justice, and we hope that our demands may not be unheeded. The issue is squarely presented. Will you sir, take the side of the people, for whom we address you, rather than endorse the men who are their bitterest enemies and who to-day constitute the most corrupting element in this land—dedicated by our fathers and by those who died to save it, to honor, to truth, to justice, to all that uplifts and develops the human race?

Oblige us by answering this question, and by determining, in your own mind, both from business and patriotic standpoints, how the balance should be held between Mr. Huntington and the people of the State of California?

With entire respect we remain, sir,

Very truly yours,

JAMES H. BARRY.
CHAS. C. TERRILL,
JOHN M. REYNOLDS,
Committee on Funding Bill.

THE NATIONAL CRISIS.

J. T. Brown

AN ADDRESS

DELIVERED BEFORE THE

Young Men's Christian Association

OF SAN FRANCISCO, CAL.

AT THEIR EIGHTH ANNIVERSARY,

August 12th, 1861,

By Rev. W. C. ANDERSON, D. D.

SAN FRANCISCO:
PUBLISHED BY THE ASSOCIATION, No 117½ WASHINGTON STREET.
1861.

REPORT OF COMMITTEE.

Your Committée, appointed to report resolutions expressive of the sentiments of the Association, and the duties of its members in the present National Crisis, beg leave to report the following:

Resolved, That the Annual Address, delivered by the Rev. Dr. Anderson, before this Association, on the twelfth of August instant, expresses the views of the Association upon the subject of said Address.

Resolved, That three thousand copies of said Address be published by this Association for gratuitous distribution.

JOHN REYNOLDS,
E. D. SAWYER,
JOHN WIGMORE.

San Francisco, August 19th, 1861.

TOWNE & BACON, PRINTERS, 536 CLAY ST.

7.5.028

CALIFORNIA

ANNIVERSARY ADDRESS.

YOUNG GENTLEMEN:

I could wish that the circumstances under which I am called to address you this evening were of a different character. You are a Christian Association; this is your anniversary meeting; and it would seem only fitting that an address at such a time should have a direct reference to the nature, or relations, or objects of your Society. But every public speaker knows that the usefulness of a discourse depends, in no small degree, on its adaption to the circumstances of the time; and it happens at this time that so rapid, so wonderful are the ongoings of the wheels of Divine Providence, and so startling, so amazing, are the events evolved, that all eyes are arrested, all hearts are fixed upon them and them alone. Thus, when the heavens grow dark, and the glancing of God's eye is seen in the forked lightnings, and His voice is heard in the passing tempest, and the ocean lifts up her waters at the command of the angry Typhoon, the hardy sailor sees but one thing, hears but the loud roar, thinks but of the terrible storm which is upon him. The routine work of the ship is dropped in an instant, and he addresses himself to the stern realities which have come down upon him. So is it with us. The reproving eye of Jehovah is upon us as a nation. His voice is speaking to us in words of rebuke and alarm. The clouds are gathering blackness over our but late sunlit country. Every eye is fixed, every ear is intent, every heart is throbbing, every arm nerved to the crisis; and each one asks himself, each one asks his neighbor, "who knoweth whether thou art come to the kingdom for such a time as this?" Gentlemen of the Association, there is but one subject these days; no use to veil the fact, there is but one. Everything dear to us as a nation is in the hazard; our duty to our God as Christians, our duty to our country as citizens, imperatively calls us to consider it. I accept the call, and speak to you this evening on the present fearful crisis of the nation, and what it demands from us as Christians and citizens.

I. War exists. Our peace-loving, happy, prosperous country has dropped the plowshare and has seized the sword. Her commerce is languishing in her harbors; the sound of the loom and the anvil waxes fainter; the note of the herdsman scarce is audible; and in their room we have the "confused noise of the battle of the warrior," and see the garments of our sons and brothers rolled in blood. Let us look at some of its characteristics.

1. It is upon a stupendous scale. Among the annals of rebellions and civil wars, history records nothing like it. The civil strifes of Greece, and Rome, and our father-land, England, were mere local insurrections when compared with this. It covers an area far larger than that of the Roman Empire in the days of its glory— extending from Maine to the Rio Grande, from the Bay of the Delaware to that of San Francisco. It involves directly thirty millions of people; a

people for the most part inured to toil, and, when disciplined, destined to be terrible in battle. From the vast extent of territory, and the warlike character of the combatants, it is likely to be the bloodiest war of modern times; already have we fearful earnest of this fact.

2. It is an unprovoked war. It comes in the form of naked rebellion against just authority, and against mild authority; authority which fostered and protected the personal and material interests of all its subjects. Since the world began, never has there existed a government more mild, more equitable. Errors in its administration have been numerous and gross, but they have never come in the form of oppressions of the citizen. Oppression of any citizen or class of citizens was from its origin unknown. So far as the freedom and the rights of the subject are concerned, if ever a civil government was entitled to the name of paternal, it is ours. A too great disposition to yield its own rights to the unreasonable demands of its citizens has been its greatest weakness. And to that very party, which is now in rebellion, it has been singularly kind,— humiliatingly so. Its legislative, judicial and executive departments have, for the last thirty years, yielded to the unconstitutional demands of these men. With a coolness unparalleled they have steadily held up *in terrorem* "disunion;" and to pacify and retain them, the Government has broken its compromises, modified its protective policy, destroyed the only comprehensive and adequate system of finance it ever had, and degraded itself in its own eyes and the eyes of the world. They demanded the purchase of the Floridas as an outlet for their peculiar institution, and it was purchased at the expense of millions of dollars. For the same reason they demanded the annexation of Texas, and it was done at the cost of many millions more. They demanded that the ordinance of 1787 should be set aside, and that the soil which it had solemnly consecrated to freedom forever should be occupied by Missouri as a slave State, and it was done. As some atonement for this almost sacrilege, a new line was drawn between free and slave territory, known as the "Missouri Compromise" line; a few years only had passed before they demanded that this compromise should be annulled, and it was done. In a word, the South had but to ask, and the boon, however unreasonable, was granted. It was only when it demanded the concession of the fundamental principle upon which the nation exists,— namely, that the majority must rule,— that it said no! And even then it was a reluctant no; for days and weeks it meekly suffered the despoiling of its goods, the invasion of its territory, and treated its rebellious subjects with the forbearance which an over-fond father extends to a spoiled child; and it was only when its flag was trampled under foot, its commissioned servants driven from their posts of duty by shot and shell, and a determination avowed to take the National Capital, that it resisted. I repeat, never was there a Government so kind, so conciliatory, so forbearing, as has been that of the United States to all its citizens, and especially to those who have rebelled against it; and I again declare that by no act of its own has it given cause, or even plausible occasion, for this rebellion.

3. The end proposed to be accomplished by this war is *sui generis*, literally so; an end such as was never before proposed by any people whatsoever rising up in arms. The civil wars of our fatherland had for their avowed end the liberty of the people; such was the war of the Commonwealth in Cromwell's day; such was the almost bloodless revolution of 1688; liberty was the object of our own revolution; such was the proposed end of all the French revolutions. The

people of Continental Europe arose in 1848 to obtain freedom ; so did the brave Hungarians in 1849. The recent successful uprising in Italy was to obtain deliverance from despots, and a distinct nationality. There is something holy in wars like these. Even the groans of the dying are softened and hallowed, yea, the memories of the dead are sainted by the glorious, godlike cause. But what is the object of this war of 1861 ? This war in the heart of free, liberty-loving, Christian America ? What is its avowed end and object? It is to destroy that constitutional liberty which Washington and the fathers have bequeathed to us. It is to blot from the page of world history the heart-cherished truth " that all men are created equal, and have a right to life, liberty, and the pursuit of happiness." It is a war based on the abominable assumption that the great theory of self-government is a failure ; and hence the purpose to found on the ruins of our glorious republic an empire whose " corner stone," to use their own words, " is human slavery." It is a war against free labor and in behalf of slave labor. In a word, it is a war whose end and aim is to forge beyond the power of breaking, and to rivet forever, the chains of human bondage. Whether, then, we regard it in its origin, its progress, or its aims, we are forced to pronounce it an unprovoked, unkind, ungodly war.

But this unholy war is now fairly inaugurated, and has received a baptism in the blood of hundreds of the noblest patriots of the land. Its termination by compromise is impossible. The South desires no compromise ; never proposed to receive any. It claims the absolute, unconditional concession of all its demands ; and they are enormous. The Government must surrender all the harbors ; all the forts ; yea, all the territory south of Mason and Dixon's line ; it must recognize the Confederated States as an independent nation ; it must permit a monarchy, or an iron military oligarchy, to be planted on that soil of freedom which was bought by the blood of the Revolution. On the part of the United States it is a war for existence ; nothing more ; nothing less. Make peace on the ultimatum of the South and the great Republic ceases to have an existence. Under these circumstances the cry of " non-coercion," " peace," is simply the traitor's cry. It is the weapon he uses to defend his friends in places where he cannot use the sword. Such is the present condition of our national affairs. The crisis which is upon us is a fearful one, and may not be shunned even if we desire to do it. As lovers of freedom and of our country the only course left to us is to adjust ourselves to this new and sad condition of things.

II. The next question which arises is, what does this new condition of things demand from us ? Or, in other words, what is our duty as Christians and citizens ?

1. It is our duty to understand wherefore all this evil has been permitted to come upon our nation. Has this trouble grown out of the ground ? " Is there evil in the city and the Lord hath not done it ?" Nations are not punished without a cause. Who is not familiar with our sins as a nation ? For thirty years we have carried our mails on the Sabbath, in direct violation of His command, " Remember the Sabbath day to keep it holy." We have become corrupt in high places. Bribery has stalked through our legislative halls in open daylight, and has been rewarded. Men have been placed in power, not because they were honest and competent, but because they would subserve the selfish ends of party. The interests, the honor of the country have been lost sight of, and men have sought office for mere ends of personal aggrandisement. In many of our State Legislatures the name of Almighty God is ignored, and by public

enactment legislators refuse to appoint a chaplain to invoke His blessing upon their counsels.

We have from year to year extended the area of human slavery in direct contravention of the intention of Washington and the other framers of our Constitution, and in contravention of the Golden Rule of Jesus. As a people, instead of gratefully acknowledging the Divine hand in raising us to national greatness and honor, we have exalted ourselves; we have become vain and lifted up; have virtually declared that we know no Bible, no God, in fact are not a Christian nation; in a word, we have reached an awful pinnacle of madness, and on its giddy height we take our stand and say to the Lord, "We ask no favors of Thee!" Surely we have set our feet on slippery places, while destruction is just below us. "Woe to the nation that stretcheth out its hand against God, and strengtheneth itself against the Almighty, and that runneth upon the thick horses of his buckler."

Our first and imperative duty in this crisis is humiliation, confession, and heartfelt sorrow for our sins. We have no plea in justification to set up. Let us lay our hands on our mouths and cry "unclean." Accompanying these confessions must be a thorough repentance, a turning away from our sins. Our next duty, as Christians, is to pray God, for Jesus' sake, to remove His hand from us, to forgive our manifold transgressions, to spare our national heritage from the hand of the destroyer, to restore peace to our borders, and to glorify His mercy and grace by raising us up as a people to national prosperity and greatness. To this end we should pray for rulers and soldiers. I need hardly say that hopeful trust in the goodness and mercy of God is necessary to true prayer. Despair cannot pray; despondency cannot pray. While we mourn and repent the sins which have brought down upon us merited punishment, we must believe that it is only punishment, and that it is not national destruction. We must believe in the covenant God of the men of the Revolution, the God who directed their counsels, who covered their heads in the day of battle, who supported them in their weary marches, who gave them final victory and peace, and who introduced them into the great family of nations. We must believe in that God who was with the venerated Washington and his companions in the Convention of 1787, and who enabled them to frame that honored Constitution under which we have grown great, but which is now trampled by the feet of our traitor countrymen. We must believe that while God is justly chastising us, He is only dealing with us as does a kind father with his child; and that when humbled, He will again take us into favor and give us a national future far brighter, far purer, far more glorious than our past. Our faith and hope must fully realize the certain fact that God has in store for us a future, rich, surpassingly rich in wondrous events; that He has placed us here in a promised land to stand up as the guardian of freedom, as the vindicator of the oppressed, as the defender of religious liberty, and as the leader of the van in the great struggle for world regeneration. Rest assured that God will not destroy us; for in the wonderful prophetic programme sketched by Daniel and John, He has given us a most important place. The American nation is to be a co-worker with Him in producing that millenial world— that high, holy civilization which is based on the Golden Rule of Jesus. But in order to have such holy copartnership in labor we must be purified; and we are now passing through one of the processes of purification. We are in the furnace; the dross is consuming; the gold is refining, and we will soon come out fitted for the master's use. Thus we are to pray in faith and hope. Should

reverses sometimes meet us, as at Manassas Gap, we must humble ourselves before God, and pray yet more earnestly; but we must not despond. Israel like us had a promised future—a land in reversion flowing with milk and honey; a land of palm trees and of the olive; a land of fertile valleys, watered by cool springs from the melting snows of Lebanon and Hermon; a land whose mountain sides were festooned with clusters of the grape of Eschol. It was a glorious promise land. They entered upon its possession by a wondrous march between the up-walled waters of Jordan. The city of palm trees fell before them. Elated and self-confident by the easy victory, they marched against the next opposing city, and there met a disastrous reverse. They fled before the enemies. They had sinned in the accursed thing at the sacking of Jericho, and God punished them. Joshua, the leader, together with the people, went up to the tabernacle, confessed their sin and removed the transgressor from their midst. It never occurred to them to abandon their inheritance and recross the Jordan, for the next day they marched again to the assault with much more prudence and caution than at first. They had been taught a lesson, and had profitted by it. The city fell before them. Thus, when reverses come to us, must we improve them, but never despair. The cause of our country is the cause of freedom and of God. We need not fear.

The next duty is—*work*. Repent and pray; remove the cause of controversy between God and us by abandoning our sins, and by asking his forgiveness; and then address ourselves to manly effort for the removal of the calamity. Thus the ancient Israel repented, returned by confession and prayer to Jehovah, and then went forth to successful battle against the invader. Like us, they were a Confederated Government, composed of twelve States, and in all their wars it was with them a cardinal point to preserve the integrity of their Union, and to maintain inviolate the national domain. And it is a fact full of meaning to us, that so long as that Union was preserved Israel was safe; that when, at the persuasion of that prince of demagogues, Jeroboam, ten of the States seceded, speedy and remediless destruction came upon them. They are a pattern most worthy our imitation. We have a broad inheritance, the title deed of which was signed and sealed in the blood of our fathers; God has given us quiet possession for eighty-five years. But men have risen up in these days, and with swords in their hands have asked us to divide this inheritance of our fathers with them; yea, they demand it from us under the penalty of death. If we would shun the fate of the Hebrew Secessionists, we must meet the impudent demand with a flat refusal. They say to us: "The form of republican government which has hitherto prevailed on this portion of the land is a failure." We answer: "It is not a failure." They say: "The working masses are unfit to govern themselves, and must be governed by the aristocracy of the few." We reply: "It is false!" They say: "The stars and stripes shall float no more forever over this land." We answer: "They shall float there while the sun and moon last, so help us God and our good swords!" They say that "a separation of the States is necessary to the well-being of both parties." We answer: "Union and liberty, one and inseparable, now and forever!" Such is the issue which is fairly made in this once peaceful, happy country.

Let not men deceive themselves by the charitable hope that in this issue peace can be reached by compromise or non-coercion. Look for a moment. They have by violence taken possession of the land. They have torn to atoms the sacred parchment on which Washington and his companions wrote the Consti-

tution of the United States. They have torn down our flag and raised another in its place. They have formed a Government of their own, and claim under it a jurisdiction over half the land. And they demand from us the cordial recognition of that Government. They demand from us this, and all this, and nothing but this; and this we must grant or fight. But, say the South and their Northern allies: "War, and especially civil war, is dreadful: it is an awful sin; give us peace; let us alone; peace is all we want!" This sounds religiously; but what is it? They take eleven States by violence, and tell the Government to which those States belong; "Let us alone! we want peace!"

Deliberately, and without interruption from the authorities of the United States, they draw a cordon of batteries around a little fort, garrisoned by seventy-five starving men, and without the slightest provocation, open a hundred guns upon the fortress; and as the walls are crumbling over the head of the heroic Anderson, they shout to him: "O, let us alone! we only want peace! it is a sin to shed your brothers' blood!" They claim the capitol, and march an army to make good their claim; and as the head of their columns, bristling with bayonets, approaches the city, they cry: "Let us alone! we only want peace!" They are upheaving the deep foundations of our Confederacy, are attempting to reduce the nation to the condition of the petty States of Mexico, and cry, "Let us alone! we only want peace! Civil war is a great evil!" Does the page of history, ancient or modern, sacred or profane, present a case of cool audacity and unmitigated hypocrisy equal to this? These men sit in the council chamber of the nation with us, their brothers; they enjoy with us the choicest blessings of peace and prosperity under a united and happy Government; together with us they have taken the oath of allegiance to that Government; all at once, without occasion given, they break their oaths, fly to arms, bathe their swords in the blood of their brothers, and then exclaim: "Let us alone! we only want peace!" Now, can our Government hearken to this hypocritical cry, this mockery of truth, of justice, and quietly grant the wholesale demand of these men? Have you all read Mr. Everett's Fourth of July speech? There you will find the answer full and complete. He characterizes these acts and demands as "unconstitutional, monstrous and unheard of usurpations," which can never be conceded by the Government of the United States but at the cost of its own existence. We agree with him for the following, among many reasons:

1. Because the admission of the "States rights dogma," that each State is supreme, that allegiance to it takes precedence of allegiance of the General Government, that every State has a right to secede when it chooses, destroys the legitimacy of the Federal Government. It can make no treaties of alliance or commerce, can borrow no money, can command no place nor respect in the family of nations, cannot even defend itself from insurrection and rebellion. Witness the army and navy officers in the present crisis. Where are the trusted officers of the United States in this her hour of trial? Where are the Twiggses, Lees, Beauregards, Johnsons? I repeat, we cannot grant the dogma, because by so doing, we destroy our national life.

2. We cannot grant their demands, because a separation of the States would involve us and our posterity in unending wars. The Southern portion will be what they propose—a strong Government; in other words, a monarchy, or an oligarchy sustained by large standing armies. On an imaginary line, fifteen

hundred miles long, daily and hourly causes of controversy about smuggled goods, or fugitive slaves, would arise, and our peace-loving, working citizens would be overrun by these trained armies; our borders would be desolated, or we would be compelled to keep up a standing army of three hundred thousand men—than which no greater curse could befall the wealth, the liberties and the morals of a free people.

3. Because the Southern monarchy could at any time form offensive and defensive alliances with the powerful kingdoms of England, France, Russia. By such a force, our ports could be blockaded, our cities burned, and sooner or later our liberties be destroyed.

4. But there are geographical reasons which render the proposed separation forever impossible. Should the spirit of folly and madness tempt the East and West to divide, a line of separation could be found in the Alleghany chain of mountains and the great lakes; and should a worse spirit of madness and wickedness tempt the Atlantic and Pacific States to divide, the Rocky Mountains would form a line of boundary. But the North and South possess no such line. The rivers which water the fields, and convey the productions of the great Northwestern world to the ocean, flow into the Gulf of Mexico. Before fifty years that Northwest will contain a population of sixty millions, and cannot be reduced to an inland state by a foreign nation holding the mouth of the Mississippi. The God who laid out these rivers, and thus established a mutual dependence between the North and South, has forbidden the partition of the States, and has placed His seal of condemnation on a Southern Confederacy. I repeat, that concession to the Southern demand is, sooner or later, national suicide. They are simply asking us to bind our nation hand and foot, and lay it on the altar. We cannot do it; we cannot reach forth our hands to take the knife—God forbid!—we will unbind the victim, and see if we cannot find a substitutionary sacrifice by which it shall be spared.

Whatever else, then, is dark, one thing is clear, namely, that this rebellion must be put down—the Union of the States must he preserved—every acre of the public domain must be kept inviolate. This is the great work which God has given us to do in the year 1861; to its speedy and perfect accomplishment we must, if need be, subordinate every possible earthly interest. To it we must, like our fathers of old, "pledge our fortunes, our lives, and our sacred honors." They purchased with their lives, and left to us, an inheritance of freedom; we mnst not forfeit that inheritance and leave to our children disaster, anarchy and blood. Let us, then, address ourselves to the work. Arduous, stern, terrible, it may be; but that is not our concern—we must do it. Let us not deceive ourselves, nor let others deceive us, by the cry of "peace" and "non-coercion." I admit, that many good men who are ignorant of the objects of our enemies, and the dire consequences of their success, may be honest in their advocacy of peace; the progress of events will soon convince them of their error, and bring them to the right side. But I cannot so admit of those who are acquainted with the fearful merits of the case, those who advocate peace at the expense of the severance of the Confederacy. These men are traitors—one and all; their hearts are with the accidental victors at Manassas Gap; if their bodies were there, they would have swords in their hands. The tories of the Revolution were an odious class, and the curse and stain of their disloyalty rests as a leprosy upon their posterity to

this day; so will it be with those who, in this hour of their country's peril, give aid and comfort to the enemy by the treacherous plea of peace and non-coercion. And, fellow-citizens, fellow-Christians, we can accomplish this work; we can restore peace to our country; we can reconstruct our now shattered temple, and make it more beautiful, more gorgeous than it was before; we can remove any defective materials which were incorporated in the former foundation, and lay the new on the principles of truth and righteousness; we can work in again the old materials of equal rights, of free labor, of self-government, of the will of the majority, of human liberty, of the supremacy of the Federal Government; and we can work them in this time with enduring cement, not with the untempered mortar which compromised the safety of the first building; and when we have laid the last stone on its highest wall with shouts of thanksgiving to God, we will then raise on its topmost tower the same old flag with its thirteen stripes and its thirty-four stars, and there it shall wave over the heads of all coming American generations. This, fellow-citizens, is the work which God has given us to do; and by the aid of His almighty arm we will do it. A work so stupendous, so noble, so far-reaching in its consequences, was never before given mortal man to do. In January last the sad tidings went forth over the world that the great experiment of free government had failed; that the great Republic had fallen, never to rise. While these tidings cheered the hearts of tyrants and oppressors, they fell upon the soul of every oppressed man, of every lover of freedom, like lead. They overhang all Europe this day like a pall. But on the fall of Fort Sumter, in April, new and wondrous tidings went forth over that same world—glad tidings of great joy—a very evangel of freedom. These were tiding of the instant uprising of twenty millions of people to guard the great Republic and maintain the sacred cause of free government against all enemies. This new evangel has thrilled joy through millions of hearts in the fatherlands; and while we are deep in the contest, they are watching our struggle with intense interest. As the Christian warriors, in their life-battle for the victory and crown of glory, were encompassed about with a great cloud of witnesses, so, verily, are we. The spectators of the American war for liberty are gathered from all the lands of Christendom. Italy and Hungary, with their Garibaldi and Kossuth, are looking anxiously on. All the lovers of liberty on Continental Europe, and among them the descendants of Steuben, Kosciusko, DeKalb, Lafayette, and other trans-Atlantic heroes who fought freedom's first battles on these shores, watch with trembling hearts the progress of our strife. In the front line of spectators stand the millions of liberty-loving Britons, cheering us on. And there are witnesses of our struggle for freedom in that cloud who are invisible to the physical eye. The spirit of the unborn but coming ages, looks on with earnest gaze; and the spirits of the gone ages—Washington, Franklin, Hamilton—all the heroes and sages of the Revolutionary struggle, look down calmly and hopefully upon us; above all, the eye of God is upon us. In the presence of such witnesses, who would turn back in the day of battle? And with a cause like ours who would hesitate? It is the cause of liberty—the genius of free institutions is to live or die as we succeed or fall. On this conflict of 1861, are balancing the hopes of freedom for ages to come. The principle of free government in the form of a Federal Union, is now fighting for existence on the battle field. Shall it live? Our answer is in the language of Webster—"Union and Liberty, one and inseparable, now and forever!" The principle of personal liberty, as opposed to the aristocracy of the few, is fighting for very life. Shall it live? Our answer is in the words of Patrick Henry—"Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? I know not what course others may take, but for me, give me liberty or give me death!"

STRAY THOUGHTS.

AN ADDRESS,

DELIVERED BEFORE

The San Francisco Medical Society,

January 8th, 1878,

BY THE RETIRING PRESIDENT,

WASHINGTON AYER, M. D.

SAN FRANCISCO:
J. L. RICE & CO., BOOK AND JOB PRINTERS,
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Stray Thoughts.

Mr. President, and Gentlemen of the San Francisco Medical Society:—On this occasion, I shall not attempt to analyze the theories and philosophy of Tyndal or Darwin; nor shall I call your attention, only by parenthesis, to the ethnical condition of the different races, as illustrating the psychical influence of evolution upon the physical, social and moral conditions of life; for, if the theory of evolution has any important significance, you will receive it as axiomatic of your faith and confidence in the human ability to depreciate or intensify and improve the development of organized life. I shall only invite your attention, for a short time, to a few simple, Stray Thoughts.

The present hour reminds us of the close of another year, which with its pleasures, anxieties and sorrows, helps to swell the unlimited period of the past. The result of the labors of centuries has come down to us through a long line of scholarly minds, and through whose efforts our intellectual faculties have become impregnated with the germs of scholarly ambition to emulate their highest and best teachings for the future welfare of our fellow-men. And our hearts are now inspired with love and reverence for those who long since preceded us in their

labor to relieve human suffering. Though dead to the physical world, they still live in the hearts and affections of those who love their fellow-men, and far in the opening vista of the distant future, they will be nearer to the living than most of us who live to-day. And as the years roll round, there will come to us seasons of pleasure and sadness.

And now, again, we are reminded of the rapid flight of Time, as the various seasons have turned another page upon the volume of the Past. There is no eulogy to be pronounced upon the dead Year, save that expressed by the silent, unwritten language of labor well performed.

How far we have been successful in leaving "footprints" upon the changing sands of professional life, and offering encouragement to an honest and emulative spirit for a more careful investigation of the causes of disease and its treatment, those who will soon occupy our places must determine.

Were our thoughts moulded forms of matter—radiated from one common center of intelligence—the greatest efforts of the human mind, then, could be read upon the solar rays, and the hidden secrets of our inner life would become the common property of our neighbor. Then, each sad or joyous thought would be known by some simple coloring, as distinct to the eye as the prismatic colors of the solar light, and the knowledge of abstract science and logic would assume some concrete form.

But this mode of gaining knowledge is denied to man, and the physician who would rise to any distinction in his profession, must apply himself to the study of the various sciences, in their application to the Healing Art, from early morning until the midnight lamp grows dim; for the closest application of Mind to Study, and the discipline of Thought,

are the only means by which he can gain professional distinction.

And as we trace the evolution of new beings, and adopt as our standpoint for reflection the old adage, *omnia vitæ ex ovo*, we shall find *pari passu*, a rapid development of organic thought, full of the germs of a new and more expressive language, and learn that the highest office any language can perform will be, to enrich the latest thought which gave it birth, and improve the human understanding in the more profound researches of science and literature. And through these intellectual evolutions, man will rise to the higher planes of created intelligences, and the earnest student will look through the mystic veil, and see much that is now wrapt in mystery, scintillating with the rays of Eternal Truth before him, and view the gyroscopic vibrations of Mind in its mazy wanderings around some new or unknown axis of discovery, with no apparent weight or gravitation in the scale of investigation, but which will ultimately reach the central light and truth upon the confines of deistic realism, and comprehend the full intent and purpose of Life.

And there, too, he will learn—

"How softly ebb the tides of Will"—
Of scholarly designs—
While Science, with unerring skill,
Her work and Art combines.

When the Alchemist applies his Art,
The sullen earth grows bright—
In every atom throbs a heart,
Beneath the solar light.

The crucible of Life is filled
With earnest hope and fear;
And like the soil by yeoman tilled,
Yields new fruits year by year.

And like the bygone hours of youth,
The studied years go past;
Evolving each some greater truth—
Educing good at last.

Then, in keeping with this sentiment, let us for one moment swing out into the impenetrable depths of the grand concave of cosmic life, and search there for the unwritten history of primordial man; and contemplate and study the changes which must have taken place to bring man to his present high state of intelligence and culture; and carry the knowledge thus acquired into the daily walks of our professional lives. Then, we shall feel how feeble we are in the august presence of all creative energies to prolong the duration of that complex series of development which belong to organized life; for no one can penetrate the mysterious depths of that Thought which spake worlds into life and gave Man his being—so full of energy, and yet so feeble in the control of himself. Read, ponder and investigate, and search through all the walks of science, and at last, with the aid of the microscope, find the vital developing germ-cell of organic life, the Spermatozoon, what more can we learn or know of the various processes of development which result in the highest and best work of Creative Mind—man.

Should we carefully trace the gradual development of Mind and Matter from the eocene period of the earth—that dawning epoch of animal creation—down to the present time, I think we should not be surprised to know, that some animals were still monkeys; but the greater surprise would be, to realize that man is man; and that it is he with whom we have to deal in our profession, in his diseased condition.

In the contemplation of the various periods of evolution and growth, the mind fails to become satisfied; for thoughts are too finite to comprehend, and words too feeble to convey any adequate idea of the stupendous grandeur of the idea of Creative Intelligence. Words and dissertations

upon this subject are rendered valuable and useful only by pointing out some new and ready application of Science to the various conditions and customs of human life. And he who enriches the pages of history by his labors in Natural Science, Ethics, Mechanics, Physics, Law or Medicine, enlarges the mind of his fellow-man, and lives a life of profit to the present and all succeeding generations, which will receive its full measure of praise, and nothing more. And it is education, alone, which can make one truly eminent in life, and especially enable the physician to overcome the evils which imperil the dignity, respect and integrity of the profession of Medicine.

As the earth yields its rich treasures to the hand of industry, so does Science yield its rich treasury of Truth to the careful, earnest student of Medicine, enabling him to walk the cultured fields of life, where he finds his highest enjoyments and best pleasures.

There are none among all the throngs that crowd our halls of learning, our colleges of letters, and our schools of Science and Art, who occupy positions of greater respect and honor, than are occupied by the educated Physician. Yet, I regret to say, there are some among us to whom honesty and fealty to the profession are like so many vapory bubbles, to be played with at will, and they sacrifice every principle of honor upon the shrine of misguided ambition. They walk the corridors of the temple of Learning with jealousy, envy and discord in their hearts, and beget and encourage the *opprobrium medicorum*, of which we so much complain.

Such men remind me of the antithesis of the reply of ANCHISES to ÆNEAS, as he gazed upon the landscape through which the river Lethe flowed, and saw the countless multi-

tudes upon its banks: "They," said ANCHISES, "are souls to which bodies are to be given, in due time; meanwhile, they dwell on Lethe's banks, and drink oblivion of their former lives."

But the unworthy members of our profession have bodies without souls, and to which it is not likely souls will ever be given; for they have no fitness for anything honorable in life, and their epitaph should be written only upon the drifting sands. They are like the cyphers placed at the right of the integer—the further they are removed from that which has a known quality, the greater will be its value; and the sooner the true *status* of such men can be known to the world, who now receive a *quasi* protection by their diplomas, the better it will be for all concerned.

We should endeavor to admit none but noble, generous-hearted men into the profession, who appreciate the true purposes of the physician, and whose highest ambition is to relieve the sufferings of their fellow-men, and who will keep constantly before them the fact, that

> Life is not a mimic scene, but real—
> With Mind the central Light that's given,
> To gather substance from the Ideal—
> Which fills the ambient dome of Heaven.
>
> Life is full of living thoughts and deeds,
> Engraved upon the scroll of time;
> Where are found engraved the works and creeds
> Of those who love their fellow-men.
>
> * * * * * *

This being the close of another Society year, it is well for us to indulge in a little reflection; and, like the prudent mariner, take our professional reckoning, and see to what purpose we are devoting our lives, and review the errors and deficiencies of ourselves, that we may not be too uncharitable toward others. Life is too short to be wasted in idle-

ness or fruitless discussions, or in labors without their proper reward, and all we can do to strengthen the bonds of good-fellowship, will be so much done in the right direction to increase the confidence of an exacting public in the integrity of the profession.

Nearly every day is presenting some new light, some new truth, in regard to the laws of life; and nearly every day is reminding us of some new discovery in science, and how much there is yet to be learned; and, also, how short the time for some of us to be devoted to study, and the solution of the many yet unknown problems of life, which are concealed in the secret operations of organized matter.

To the younger members of the profession, I would say, endeavor to become leaders, and to emulate the teachings and practice of WARREN, MOTT, RUSH, STONE, and many others, in our own country; and of COOPER, ABERNETHY and VALPEAU, and a host of others in foreign lands, whose names are a tower upon the fortress of Medicine, and shine with resplendent light in the galaxy of Medical Science. Also, emulate the spirit of one who was well known to many of us—Dr. E. S. COOPER—to whom largely belongs the credit of establishing the first Medical School on the Pacific Coast; and to whom, also, belongs much of the credit of inaugurating the bold surgery of California; of making free incision into the large joints, exsecting the bones of the joints and ligating bones for un-united fractures.

If the money paid by the student for a course of medical education, and to obtain the honorable degree of "Doctor of Medicine," does not carry with it some sentiment of an exalted character, the *honorum medicorum* will become prostituted at the feet of the unworthy offspring of a worthy ambition. And the physician who is not guided by some

high moral sentiment occupies a *pseudo* position, and can have no promptings of honorable aspirations—no dealings with ethics—and no comprehension of anything beyond the tangible and concrete relations of life. He only has the purchased name of "Doctor", without knowing its importance, or appreciating its real value.

Then, if in reality and unselfishness, we wish to strengthen public confidence in our favor, and strengthen our convictions in regard to the true course and purpose of our professional action, we should, as much as possible, bring our own lives into close contact with what is genuine in our fellow-men. But man, being the highest order of created intelligence, we find the purposes of his life and action never quite fulfilled, whether engaged in commercial or professional duties. He is full of contradictions, if he is considered only in his relations to the physical world; for while every other principle rests in the appropriate object, the desire for unlimited improvement and advancement over others, is alone answered by no corresponding object; and over the whole of life there are scattered evils and sorrows which pierce every heart with pain, and much of which the physician, alone, can relieve or aid others to avert. Be diligent, and labor for the good of your fellow-men.

Be never weary in well doing—
Ever guard your sacred trust;
And while your life-deeds still pursuing,
Carve yourselves an honored bust.

Carve a bust of deeds that, when dying,
You may hear the proud acclaim,
From those who watched you—spirits sighing:
"Thou hast gained immortal fame."

And I would also say, to the younger members of the profession, careful reading is of the highest importance, and

it should be of the best authors; for the tangent or centrifugal tendency of the mind in its ready adoption of new theories and new plans for new measures and new treatment of disease, is liable to lead the younger student into grave errors, and leave the path he treads strewn with the rubbish and *debris* of untenable dogmas and false teachings, which will bewilder and confuse him in the further prosecution of his studies in search of real, valuable truth. We must remember that Theory is one thing, and Practice quite another; and they should be so harmoniously united, that they will occupy the relations maintained by Science as the handmaid of Art. Then true, practical knowledge will become the *power* and weapon of defense against the early encroachment of disease, decay and death; and then the *opprobrium medicorum* we suffer will pass into the shadowy depths of bygone days.

This leads me to call your attention to the subject of ÆTIOLOGY, which is of great importance; and perhaps, more neglected by the average student in medicine than any other branch of medical science; for the reason, I suspect, that it is more doubtful, in point of fact, than the other branches; although, we must admit, that our present knowledge of Pathology is far from perfect.

But the relative value of cause to effect in the equation of facts, is so uncertain, that the student becomes early discouraged. And as the *plus* of to-day in commercial life is liable to become the *minus* in the results of the affairs of to-morrow; so, we find some new agent or unknown quantity springing up in the advance of disease to-morrow, rendering the question between cause and effect also often doubtful.

According to GEOLOGY, the earth is gradually becoming

solid by pressure and radiation, which is made manifest by the changes that have taken place in the abysses of a bygone eternity, "when man was only a thought in the far-reaching purposes of Deity." Admitting this, we shall see that the fires of Ætna, Vesuvius, and all other living volcanoes will, in the distant future, become extinct; and the earth become solid, cold and lifeless. And what must be the effect of these gradual, immutable and positive changes of atoms in their manifest and modified magnetic forces upon the physical forces of organic life? Nothing less than change in molecular development. By this process of reasoning, it would appear that the vital, germinating molecule which develops into the future man, must undergo some deterioration, and that, consequently, the life-forces of man must become gradually changed—his resistance to disease and decay grow gradually less—the period of life duration grow shorter—and the nature and symptoms of disease also undergo a change.

Yet, as we look upon the spermatoza, who can tell that within these germ-cells lie the foundation of Phthisis, Pulmonalis, Scirrhus, or any other hereditary disease; still such is the case.

And while this knowledge is appealing to the intelligence and discretion of men, and warning them against the propagagation of their species; they still seem reckless, and do not heed the warning voice, and so entail upon their offspring a brief life of misery—a sure and early decay.

Do you think, gentlemen, that men would plant their orchards, if they only expected to receive half-matured fruit? I anticipate your answer—No. Then, why do they think less of their offspring than of the simple fruit of the earth? Science holds its mirror before them, and its un-

heeded voice echoes back to their homes sickness, sorrow and death, as the result of their marital life.

In some types of disease, the errors of fathers and mothers greatly embarrass the physician in making his diagnosis and determining the real cause of the malady before him. But there are some well known and positive symptoms which of themselves determine the true cause of disease with unmistakable accuracy, and yet there remains much for the physician to conjecture.

The Typhus Fever of ships, camps and jails, dependent upon an idio-malaria, has nearly disappeared from the catalogue of diseases since the more strict enforcement of sanitary regulations; and this fact, alone, affords conclusive evidence of the specific cause of this disease, which is always the same in nature, wherever it be found. Upon the steppes of the Amazon—along the Arroyo Grande, of Peru—upon the low-land of Mazatlan—in the swamps of Contra Costa—near Punta Arena—at Shanghai, on the Wu Sung—in the great basins of the Mississippi, the San Joaquin and Sacramento rivers—we find disease of a similar type, dependent upon similar cause, but modified by tropical and local influences; and the same general treatment is indicated to give relief. But, when an epidemic of a different type of disease visits these different places, the physician is less positive in regard to the specific causes, and hesitates to declare that the same miasmatic malaria produces such widely different results.

And yet, we are told that the mephitic gases, arising from defective sewerage, will at one time cause the spread of small-pox; at another time, diptheria, scarlatina, measles, or typhoid fever. Can it be possible, that diseases are isomeric, and that the same elements which produce the mephitic gases of our sewers can yearly cause these various

results? In searching for the causes of the different types of epidemic disease, I would rather base my opinion upon the theory, that there are ever-varying tidal waves of *malaria* sweeping over the earth, carrying the subtle poison in their course which, being inhaled, or by some endosmotic action, poisons the blood and causes the different types of zymotic disease.

I have already shown, INTERMITTENT FEVERS wherever found, may be traced to the same malarious causes, and only modified by local influences. But, according to the popular theory of defective sewers being responsible for every variety of disease, no definite correlation exists between cause and effect.

During the EPIZOOTY, which visited our city a few years ago, could any one be found who would say it was caused by defective sewers; or that there was more or less azote-oxygen or carbonic acid gas in the atmosphere at that time than at any former period? or, could any one say why the horse was more liable to the disease than the ox, the dog, cat, or hog? or, why man was effected less than the horse? No; nor can any one say why one form of epidemic prevails one season, and another form another season; nor do I think this will ever be explained, only upon the theory, that the *morbiferous* parasites, sporules and bacteria, do not associate—have distinct habits and undergo changes, and produce distinct merbific changes upon organized tissues and the fluids of the body.

The solution of this question will reveal the true cause of epidemic disease, and the antithesis of our present logic to facts will then stand in the presence of a more positive science, the subject of quiet citation.

I assert, and challenge proof to the contrary, that the

laborer who descends the manhole to cleanse the sewer, is not more liable to any particular form of epidemic disease, than he who sits in his counting-room or parlor. The rains which flood our sewers and wash them clean of present filth, also washes the atmosphere, and beats the floating, germinating disease-cells to the earth, which are also washed away, and a more healthful condition prevails, not only in our cities, but throughout our entire mountain towns, where no sewers exist.

It is much easier to say—the subtle, noisome gases climb through the winding avenues of our sewers to the tops of the hills, and give our people chills and fevers, small-pox, measles and typhoid fever, than to prove the assertion; and I would not say, that it is easy to prove the contrary, any further than can be proven by a statement of facts and comparison of the health of towns, without sewers, with the health of cities filled with sewers.

While I am free to admit, that "cleanliness is next to godliness," and that whatever feeds or increases the malignancy and spread of any disease, should at once be abated; I feel that too much importance is given to strictly local causes in epidemic zymotic diseases, to encourage the spirit of investigation into the real causes of disease. We must not forget the world is progressive; science is advancing; and much our fathers taught, is no longer "confirmation strong as holy writ."

In this connection, I would especially call your attention to the importance of Public Hygiene. Can there be a more noble or grand conception, or a more inspiring thought to the generous-hearted, intelligent physician, than that by his diligent research into the causes of disease, he may be able to discover means by which it may be greatly modified,

if not wholly prevented, and thus save the lives of thousands of his fellow-men from premature graves?

But, to be true to ourselves and our profession, in searching for the origin of epidemic diseases, we must carefully note the various meteorlogical conditions about us, the thermal, humid and electrical conditions of the atmosphere, and show why the same mephitic gases should at one time produce one type of disease, and at another time another type, before the intelligent mind can comprehend so paradoxical a proposition and remain satisfied. We shall be obliged to look beyond the poisonous gases from the sewers of San Francisco, to account for DIPTHERIA and other zymotic and epidemic diseases, which appear in our inland towns, as well as in our own city. And, I trust, we are now living upon the dawn of a new epoch of science and humanity. The wonderful discoveries made in the application of electricity for the convenience of man, the duplex and quadruplex action of the battery, and the electric telephone, are so many unmistakable voices of encouragement to the scientist, the physician and scholar, to pursue the subject of electricity, in its application to medical science, as a controlling element in many of the functions of animal life.

If, in the study of PATHOLOGY, we could analyze DISEASE, so that any given number of a certain class of symptoms, brought together, should at all times have a fixed and definite meaning, and determine the same morbid condition; then, it would be no difficult matter to form a positive and correct diagnosis of any disease we might be called upon to treat. But symptoms have a quantitative, as well as a qualitative significance; and we shall often find that many of the same symptoms, brought together in different ratios of du-

ration and violence, will point to widely different causes, and indicate different morbid conditions, if considered *per se.*

* * * * * *

At the present, time carbonic acid gas is from 3 to 10 volumes, to 10,000 volumes, of pure air; but in the carboniferous ages, it must have been much greater—as is evident by the effect the rains produced upon the lime formations of the earth in past ages, and whatever increases the volume of this gas, in any particular location, will diminish the standard of health and duration of animal life, and when it is in great excess, asphyxia, apnea, and death, will take place.

Yet, if it were much less in volume than at present, vegetable life would die of starvation. Here, then, we find appreciable cause and effect; and experimental knowledge of Chemistry and Physiology should so guide our investigations in Pathology as to enable us to determine, with equal accuracy the various processes of growth and decay, that we might weave about the whole plan of medicine some brighter coloring, to relieve the shadoway footprints of the past of much which bears a stronger resemblance to conjecture than to the truth of science.

In Chemistry, we see the advantage of a more exact science than that of Medicine; for the different volumes of the same elements will produce different, yet fixed results: *e. g.*, the same ratio of the equivalents of carbon and hydrogen, brought together in different volumes, will produce either oil of lemon or oil of turpentine.

We all understand, that injurious substances are repulsive to our tastes. Incipient exhaustion warns us by a feeling of hunger or weariness; and every strain on our frames that threatens us with rupture or dislocation, announces

the danger by an unmistakable appeal to our sensorium, and we drop the heavy weight in self-defense.

And yet, there are "signal stations" placed along the whole organization of man, from the great sensorium to the final *anastomosis* of the pedal circulation, and could we grasp and comprehend the full import of the lessons taught by the signal stops—these discords *in copore*—I am sure, our labors would be far more valuable to the afflicted, and that we should receive the merited confidence of the public for our superior skill and learning. I am hopeful, that the time is not far-distant, when science will enable us to determine, with some degree of accuracy, the magnetic forces of life; that we may employ the "Vital Signal Service" for the benefit of suffering humanity.

When the astronomer sweeps the heavens with the telescope, and discovers some shadowy form beneath the nebulous mass, he foretells the birth of a new planet, which has been waltzing, perhaps, undiscovered among the stellar worlds for centuries. His prediction is based upon the exactness of a science which never errs in *fact*, but only in the *computation of facts*.

But when the physician sweeps through the microcosm of man with penetrating study, he is bewildered in his search for the causes of disease, until death yields the human form to his keeping, for the scalpel to aid in the discovery of the mystery, in not a few of the cases which come before him.

The influence which heat and cold, excessive dryness, or humidity, exert upon the health of a people, is well understood; but the effect of the sudden changes of the magnetic currents passing from the earth, or the clouds, through the air, rapidly absorbing or changing the magnetic forces of

the body, is a subject for further research; for we cannot tell, at the present time, to what extent these forces lessen or increase the power of the body to resist disease. Experiments have been made upon the spider, and other insects, with a magnet, which show that life may be destroyed by simply placing them between the poles of the horse-shoe magnet upon an insulated plane. In such experiments, the inference is, that the magnetic currents passing from one pole to the other, cause such a molecular perturbation as to render life extinct. A current passed through the albumen of the egg, will cause it to coagulate at once; and experiments in *electrolosis* show a coagulum in the aneurismal sac of the fibrine of blood.

During electric storms, it is well know to dairymen, that milk becomes sour, which change they attribute to the jarring; but it is really caused by the electricity passing from the clouds to the earth through the milk; for whenever the pans containing milk are placed upon the ground, no change will take place. These forces we cannot see, but of their effect upon organized matter, we in many ways become conscious.

A curious case is related of the effects of electricity upon an operator in a telegraph office, in Paris, a few years ago. While sitting with his hand upon the battery during an electric storm, a current passed along the wires to the battery, which was communicated to him with such force as to throw him out of a window, then open, into a garden. He was at once taken into the office in an insensible condition, when it was noticed that a part of his hair, which before was very black, was then quite white—the change being caused by the rapid absorption of the oily properties of the hair.

While alluding to the subject of ELECTRICITY, I will invite

your attention, for a few moments, to the probable existence of meteoric electricity, as an important connecting link in our system of meteorological investigations, and which has not, as I am aware, yet attracted the attention of the scientific world, in its special application to disease and the leading principles of medical science.

It is well known, that carbonic acid gas may be condensed into a solid mass—that oxygen is an allotropic substance, and that the base of nitrogen is platinum; and what effect the reaction of these elements, as they are combined, may have in generating electric currents, or in modifying the force of the magnetic currents on their way to the earth, is a subject worthy of profound attention, and the inquiry may enable us to understand the cause of the molecular perturbations which influence the conditions of health. The solution of this question may also enable us better to account for some of the noted phases of epidemic diseases.

Referring to epidemic Cholera, Dr. Dunglison says: "That in 1817 it broke out in the delta of the Ganges, and in 1818 it ascended the Ganges and reached the Northern province of Hindoostan, where it was checked by the Nepaulese Mountains and the Himalayas."

And after describing its course through Europe, he says: "It is curious Leipzig, Dresden, Hanover, and several other places, wholly escaped from the disease, and that it ultimately disappeared, not to return again, unless the same endemico-epidemic influences should exist, which favored its progression previously." And here he leaves the subject, without hinting at the probable nature of these influences.

On the 8th of June, 1832, it was first seen on this side of the Atlantic, in Quebec; on the 10th in Montreal, and

on the 21st of the same month in New York; while New Brunswick, Nova Scotia, Maine, New Hampshire, Massachusetts and Rhode Island remained almost entirely exempt from the disease. Also, it was observed, that the country around the pine forests of Georgia and Alabama was free from cholera.

And when epidemic cholera appeared in California, very few cases were seen in our mountain towns, except on the lower Mokelume, Cosumne and American rivers, where they emerged from their mountain gorges and passed through the lime and alluvial formations in their course to the valleys. What important lesson, it may be asked, does this teach us? Simply this: that there are subtle forces, perhaps magnetic in their nature, surrounding certain geological formations, which for convenience we will call granite, that protect us from some forms of epidemic disease; and that in epidemic cholera a malarious wave passes over the earth bearing upon its bosom the germs of the disease, and as it passes the granite formation, the magnetic emanations from the earth lift it high above the land, and it then sweeps on, leaving cities and villages undisturbed in its course, until it again reaches the lime, clay, or alluvial formations, which seem to invite its presence, and the earth, we will presume to be passive in such formations, or in a non-magnetic condition—is unable to resist its advance until the force of this tide of disease is expended, and death and desolation mark the course it has traveled.

Then, briefly to sum up the argument, we are to infer, that there are certain subtle magnetic forces emanating from the earth in some specified geological formations which protect us from disease on the one hand; and that there are

germinating *disease cells* floating in the air on the other hand, which cause disease in other formations; but how we may steer clear of Charybdis by this process of reasoning, and not strand on Scylla, is the question for our final solution—*hoc opus, hic labor est;* and that we may not hastily run into danger, let us adopt for our guide *in medio tutissimus ibis.*

In conclusion, I will briefly call your attention to the labors of the Society for the past year:

During the year, the Society held twenty-three meetings. On several occasions interesting pathological specimens were presented, and a number of well-written and instructive papers were read. But I regret to say, that the number of papers presented was quite too small for the number of members belonging to the Society; and I would suggest to the gentlemen, that they at once resolve to do better another year, for no society can live long and prosper without its members do a little work.

Wherfore, and what matters—
Whether the day be ours—
In life's doings, or another's—
If well we act our part:
Dry the tear of sorrow,
And leave some good for those,
Who follow us to-morrow.

I am happy to say, that the members of this Society, during the past year, with few exceptions, have enjoyed all the immunities of health. But in the midst of our labors, death came among us and removed one of our most excellent members—Dr. P. Chamberlain, whose eulogy was so well pronounced by Dr. Fiske that no words of mine can add anything to the interest or solemnity of the event. The mournful silence which still pervades the places which knew him living, daily remind his friends that he

is dead, and his best and most fitting eulogy is found in the silent, unwritten and unspoken language of his labors, all so well performed.

And now, in humble recognition of an All-Controlling WISDOM, I again pronounce the long, sad *farewell!* To friend, companion and brother—FAREWELL ! Rest in peace! Thy Will, O God, be done ! !

4

TRADE RELATIONS WITH CUBA—"THIS RECIPROCITY TREATY STANDS BY ITSELF."

SPEECH

OF

HON. THOMAS R. BARD,

OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

FRIDAY, DECEMBER 11, 1903.

WASHINGTON.
1903.

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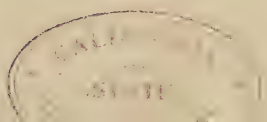

SPEECH

OF

HON. THOMAS R. BARD.

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. 1921) to carry into effect a convention between the United States and the Republic of Cuba, signed on the 11th day of December, in the year 1902—

Mr. BARD said:

Mr. PRESIDENT: I regret, and I believe the country will regret with me, that no other than my weak voice will be heard on this side of the Chamber in opposition to the Cuban reciprocity bill; but, though the duty is not a pleasant one, that fact should not prevent me from giving expression to the convictions which control my vote and which unfortunately may seem to separate me at this time from those of my colleagues with whom I have been proud to cooperate and with whom I expect always to cooperate in furtherance of the policies of the great political party to which they and I have the honor to belong.

This seeming separation to which I allude is not, I feel sure, caused by any essential difference between my Republican colleagues and myself concerning the basic principle of protection. If they believed, as I do, that the proposed reduction in the tariff on Cuban productions is unnecessary or that it will injure some of the industries of this country, I am quite sure that their votes would quickly defeat the bill.

I am confident that neither our Republican President, by urging the acceptance by Congress of his views in this matter, nor Republican statesmen in Congress, by aiding in the passage of this bill, are intending thereby to commit the Republican party to any deviation from its well-established policies or to ingraft upon its platform any new definition of reciprocity.

Mr. President, it is perfectly clear from the often-repeated declaration of the President in his messages to Congress suggesting the necessity of this legislation that his recommendations are founded principally upon his conviction that the United States is bound by honor and implied pledge of the faith of the nation to give to Cuba some further aid to help her "in the difficult path of self-government," and that this aid can be most appropriately extended by granting to her the preferential advantages which are provided for her in the treaty.

I think I am correct in assuming that my Republican colleagues recognize the force of the President's appeal and that they are actuated principally in this matter by what they deem a duty appealing to our honor. I have endeavored to understand the point of the statements which are made to sustain this appeal to our honor, and I have searched in vain in all the acts of our Government which resulted in the establishment of our close relations with Cuba to detect any indication that they involved the moral obligation which this legislation is intended to satisfy.

There is no stronger presentation of the matter than is contained in President Roosevelt's messages. With sincere respect,

I quote the President's statements. In the message to Congress on the first Tuesday in December, 1901, two years ago, he said:

> Cuba has in her constitution affirmed what we desired, that she should stand in international matters in close and more friendly relations with us than with any other power, and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being.
>
> The greatest blessing which can come to Cuba is the restoration of her agricultural and industrial policy.

In the message sent to Congress shortly before the close of the first session of the Fifty-seventh Congress the President, evidently inspired by the cablegram from President Palma, most earnestly appealing "for legislative relief before it is too late and his country financially ruined," says:

> Cuba has assumed certain special obligations as regards her international position in compliance with our request. I ask for her certain special economic concessions in return.

But the statement is even stronger in the message explaining the reasons why the recent extraordinary session of Congress had been convened. He says:

> I deem such legislation demanded not only by our interest but our honor. When the acceptance of the Platt amendment was required from Cuba by the action of the Congress of the United States, this Government thereby definitely committed itself to the policy of treating Cuba as occupying a unique position as regards this country.

And here follows the particular language that I think is the summing up of the whole matter. He continues:

> It is provided that when the island became a free and independent republic she should stand in such close relation with us as in certain respects to come within our system of international policy, and it necessarily followed that she must also, to a certain degree, become included within the lines of our economic policy.

Mr. President, I am able to find nowhere else any more definite statement attempting to explain what is the origin or foundation for this claim upon us, and though the statement is emphasized by reiteration, no further explanation is given. There can be no doubt of the President's conviction in the matter or of his earnestness in the desire to have this duty recognized by others.

The American people can always be depended upon to respond quickly when any claim made upon them demands the discharge of a moral obligation or that appeals to their patriotism or their benevolence, and there are in the world no people who are more sensitive than they are when their national honor is appealed to.

This temper and quality of our people is well understood when the suggestion is made that this legislation is demanded "not only by our interest, but by *our honor*." Such a suggestion creates at least a strong predilection in our minds that more than balances any apprehension that the measure may also involve a loss or sacrifice or questionable precedent, and the predilection is not easily set aside But, Mr. President, I have not resisted it with intention to disregard it; neither have I allowed this predilection to prevent me from giving earnest attention to the statements which create it.

The claim that we are indebted by honor to Cuba rests, as I understand, wholly upon an implication involved in a certain interpretation of all our acts which have brought about our present relations with Cuba, and especially upon the implication that our demand for the acceptance by Cuba of the provisions of the Platt amendment, in some degree at least, was coupled with a promise that such acceptance should have some other reward than the performance by us of the specific obligations undertaken by us.

I know that it has been said that President McKinley caused it to be understood that, so far as his recommendation might accomplish the purpose, a reciprocal arrangement between the United States and Cuba advantageous to both countries would be made, but that such promise was conditioned upon the acceptance by Cuba of the provisions of the Platt amendment; but whether that be true or not we are responsible as a part of the lawmaking branch of the Government for all legislation, and however much may be our respect for the memory of President McKinley we are to take nothing for granted, and even if someone here authorized to speak for the dead arose to confirm the statement to which I have referred, nevertheless we can not fail to remember that the lamented President was wise and patriotic, and that the conditions in Cuba have materially changed since his tragical death, and above all considerations we must be guided by our own consciences and convictions.

I can not, within the short time that I desire to occupy, repeat here the provisions of the Platt amendment, nor is it necessary. But a careful examination of them fails to disclose to me any indication that they imply that this Government must necessarily grant to Cuba commercial preferential advantages in our markets for her products. The requirement that Cuba shall consent that the United States may exercise the right to intervene for the preservation of the Cuban independence implies of course that we intend to protect her. The demand that she consent that the United States may intervene for the maintenance of a government adequate for the protection of life, property, and individual liberty was necessary to secure to Cuba the assurance of a time for rest and recuperation from the often-repeated and long-continued periods of turbulence and war; and though this demand might be construed into a guaranty on our part to maintain a stable government in Cuba, and to imply a promise to do what we can to keep her people contented, it surely requires imagination to carry this implication so far as to say that in order to keep the Cuban people contented we must guarantee that her principal industries shall be made prosperous.

The argument that because we have done much for Cuba we are bound by honor to do more brings no conviction to my mind. When we turned over to the Cuban people the government which we had provisionally established there, the act implied that we had confidence in their ability to maintain a stable government. They themselves believed it, and were fretful because we retained so long our military occupation of their island. Regardful of their past history and of their inexperience in self-government, we properly insisted upon retaining certain accommodations which were absolutely necessary to enable us to fulfill all the obligations which we were under to maintain her independence and to protect her people. There is not a provision in the Platt amendment which has not in view the welfare of Cuba. The Platt amendment is, in my opinion, a statesmanlike and far-reaching piece of legislation, and I believe that it was inspired by a conscientious conviction of our duty. It was the logical sequence to and fulfillment of all our promises implied in the Teller resolution, which set forth our intentions when we undertook to deprive Spain of her tyrannical domination over the Cuban people.

Mr. President, the Cuban people certainly understood that in accepting the Platt amendment it was as a full settlement of all claims between Cuba and the United States. There could be

no other meaning of the words of President Tomas Estrada Palma which were uttered upon that memorable occasion when, on the 20th day of May, 1902, General Wood, the military governor of Cuba, acting under the direction of the President of the United States, in a most impressive and formal manner declared the occupation of Cuba by the United States to be at an end, and delivered to the new Republic the Government which we had provisionally established. The Cuban constitution was in full force, and the Government of the new Republic was fully organized. President Palma, in the presence of the assembled Congress of Cuba, and there being also present representatives of the Army and Navy of the United States, officers of English and Italian warships then in the harbor, and foreign consuls, and many other dignitaries, including General Maximo Gomez, the idol of the Cuban people, accepted for the Cuban people the responsibilities of sovereignty, and after substantially repeating the facts set forth in the acts of delivery by our Government, and addressing Governor Wood, said:

I take advantage of this solemn occasion, when there is fulfilled the honest promise of the Government and of the people of the United States in regard to the island of Cuba, and when the personality of our country is established as a sovereign nation, to express to you, as a worthy representative of that great nation, the immense gratitude that the people of Cuba feel for the American nation; for its illustrious President, Theodore Roosevelt, and to you personally for the efforts which you have made for the attainment of that cherished ideal.

Now, Mr. President, in my judgment this declaration that our promises were fulfilled is an acquittance, so far as any obligation rested upon us up to that date. If any obligation of honor rests upon us now, it must have originated since then.

I must confess, Mr. President, that I can not understand how this obligation can have its origin in the acceptance by Cuba of the conditions of the Platt amendment: and I also confess that I do not possess the same degree of senitiveness which enables others to perceive that this nation is under such a peculiar obligation to Cuba that it can be discharged only in the way proposed by this bill.

It seems to me that, considering the well-known policies of this Government as now administered and as it has been administered during the greater part of the last forty years, the Cuban people had no right to expect that we would go so far as to contribute to their happiness in the way which is proposed by this measure. It is true that commercial relations with Cuba are very desirable and should be promoted, but the advantages accruing, however valuable they may appear to be, are not worth the cost if we must, in order to secure them, sacrifice some of our own industries and, what is worse, derogate from the great principles which Republicans at least are pledged to support.

Of course, if I could believe that there is a debt of honor due to Cuba not yet discharged, then I would say, let us pay it promptly, by all means, and if it could be paid in no other way than the way proposed, I would say, even then, let it be paid without faltering, though it did cause injury to some of our industries that we have fostered and have promised to protect. But when discharging the debt as of honor, do not let us be so keen to note and prone to boast that the payment secures to us incidentally economic advantages equal to those we give.

The protectionists of this country are not to be convinced by the mere suggestion that such an obligation of honor rests upon

the country as a consequence necessarily following the establishment of permanent and close international relations between Cuba and the United States. They believe that a sentiment of benevolence which unduly elevates the consideration of the needs and the welfare of the people of another nation ought not to control in any degree when readjustments of the tariff are under consideration. They are unable to comprehend why an indefinite idea of our obligation to Cuba should be deemed more binding than the promise implied by the granting of protection years before to our own planters and horticulturists. The reduction proposed by this treaty in the tariff rates upon the most important Cuban agricultural products can have no other effect than to stimulate their production and to facilitate the sale, sooner or later, of such articles in our own markets in competition with the products of our own soil.

If this legislation, therefore, is not demanded by our honor, then we must fall back upon the other considerations which are supposed to support it. It is said that it is demanded also by our interests as well as by honor, and that the treaty secures to the United States economic advantages as great as those given to Cuba, and that not an American interest is sacrificed; that it "*will do harm to no industry*," but it will benefit many industries; that, therefore, it is in the interest of our people as a whole.

Now, Mr. President, I am unable to accept these propositions. In the first place, I do not believe that this measure is the only method by which we may expand our export trade with Cuba; but I do believe that there are other means for accomplishing that purpose.

Consul-General Steinhart, at Habana, Cuba, has pointed out in his report for July and August of this year some reasons why we have failed to increase our trade. He says:

> While the demands of the domestic trade in the United States during the present era of prosperity is responsible for the fact that the manufacturers in the United States overlook the market which Cuba offers, yet this can not be considered as an adequate reason for the loss of trade to the United States.
>
> Large shipments of hardware, both from England and Germany, are constantly being made to this Republic. An inquiry as to the cause for such shipments brings out the fact that many of our manufacturers refuse to devote a portion of their output for export, and Cuban buyers, finding that they are unable to get their orders filled in the United States, naturally turn to the European market.
>
> If at some time in the near future our home market shall have been supplied and manufacturers are forced to turn to other countries to find an outlet for their productions, difficulty will be experienced in diverting the trade of Cuba from established channels, and the undertaking will be found both expensive and doubtful of success. It is to be hoped that the American manufacturer will anticipate this situation and take prompt steps to remedy the falling off in trade between the United States and Cuba.

This statement is introduced by the remark that the importations from the United States into Cuba since 1899 have fallen off considerably, whereas importations from Germany, especially, and other countries in Europe show a steady increase.

But the conclusions from the statement must not be reached too hastily, for we find that the total imports from all other countries except the United States in 1899 were $37.601,400, whereas the importations from the same countries in 1902 were only $36,082,069: so that there is an actual falling off in the importations from all countries other than the United States of $1,519,331; and while the falling off of our exports to Cuba has been proportionately greater, yet the fact must not be overlooked that the other

countries have also lost a considerable part of their trade with Cuba. The suggestion by the consul-general of the causes why we do not have a better trade with Cuba is not original, for we find that Collector Bliss, in his report made from Habana to his military superior, August 1, 1899, said:

In connection with the application to change the classification of or to remove or lessen the duties upon various articles entering Cuba of general use in the United States, with the object of increasing the importation of those articles into the island, I have sought to direct attention to the fact that the existing rates of duty do not as a rule stand in the way of importations from the United States, and that even the removal of all duties whatsoever would give little or no encouragement to such importations. Many of the articles in common use in the United States are unsuited to the physical conditions of Cuba, and many others find an almost insuperable barrier to their introduction in the stubborn indisposition of the people to adopt new methods and improved material.

Mr. President, again in March, 1903, when the Cuban senate was holding conferences with sugar and tobacco planters in Habana on reciprocity, Señores Gamba and Rodrigues, of the Merchants' Union, were asked if they thought the proposed treaty would divert the greater part of the Cuban import trade to American channels. Their reply was that unless the Americans adopted different business methods and tried to suit the tastes of the Cuban merchants the increase in American imports into Cuba would not be over 20 per cent, and that the best they could expect with new methods would be 30 per cent. They added that "there would not be much falling off of trade with Europe." And this is again referred to in the last report that General Bliss made as collector of customs at Habana, dated July 21, 1902, wherein he tells us that—

between the trade which the United States has always had with Cuba, and which even the Spanish differentials were never able to wrest from us, and the trade which the United States can but does not supply there is a wide gap, which 20 per cent will not bridge.

And he goes on to say that—

In certain agricultural and other products, such as flour, furniture, mineral oils, meats, corn, certain machinery, and iron and steel productions, this bill will not increase our trade as we have it now.

In regard to other productions he says, "A 20 per cent concession will not overcome the objections to our goods." General Bliss further says that it is not Cuban prejudice that accounts for the situation, but that—

it is the indifference shown by American manufacturers to the essential requisites for securing this foreign market. They manufacture immense quantities of various articles for the home trade, consulting in every possible way as to the material, quality, style, price, etc., the tastes and preferences of local consumers, and the surplus stock they expect to sell in Cuba, where they have consulted the tastes and preferences of no one.

He illustrates this by showing what is the trouble in Cuba with our boot and shoe and cotton goods trade. Spain has the boot and shoe trade because we do not make the style suited for the Spaniard and Cuban, which must have a high instep, and for other reasons so often set forth in consular reports.

The American—

Says General Bliss—

when he sends any of his stock of cotton goods to Habana, finds that English goods, poorer in quality and higher in invoice price, undersell him in the market, because the Englishman, in manufacturing for the Cuban trade, does not aim at making the best goods for a given price, but the best goods that will pass the custom-house under a given paragraph of the Cuban tariff.

Mr. President, it is quite apparent from these statements that there is not much hope that we will be able to expand our trade with Cuba in respect to many of our manufactured products until

proper efforts are made to suit the wants and tastes of the Cuban people.

I enter here my earnest protest, on behalf of our agricultural producers, against any legislation that seeks to put a burden upon them in a vain attempt to help indifferent manufacturers. Until the latter adopt business methods and do what other nations do to gain more of Cuba's trade, no obligation rests upon Congress to initiate any unusual plan for promoting their interests.

Now, therefore, Mr. President, it is evident, I think, that there must be a material qualification of the general proposition that this treaty is needed to secure an increase of our export trade with Cuba.

Under present circumstances, it must be remembered that we already have 42 per cent, and that a large part of the remainder is largely made up of importations of goods which we can not supply—as, for instance, the products of South American States, amounting to 13 per cent—and in other respects it is made up of manufactured articles imported by other countries with which we have not yet earnestly attempted to compete.

This refusal by our manufacturers to accommodate themselves to the needs of Cuba is the "*shortsightedness*" which forces Cuba into making arrangements, in some respects, with other countries.

Let us try to help ourselves to gain advantages in the Cuban markets before disturbing materially our own revenues and asking Cuba to sacrifice for us a part of her needed revenues. And, Mr. President, it is not so necessary for us to consider whether the treaty secures to the United States economic advantages as great as those given to Cuba as it is to determine whether the granting of these advantages will bring harm to any of our own industries.

I design to utilize the portion of time which I will occupy mainly for the purpose of showing that this measure is harmful to some of our industries, and that it is not compensated by any interest accruing under it to our people as a whole.

Now, Mr. President, the Republican party elevates to the first place the consideration of the interests of our own producers and the welfare of our wage-earners. These interests are in mind when it adheres to its policy of protection; they were not overlooked when it adopted the policy of reciprocity. Its declarations concerning reciprocity have always been unmistakably in harmony with, and not derogatory from, its doctrine of protection.

Before proceeding further, let us have before us what is meant by reciprocity.

I accept as the best definition of reciprocity that which is found in the platforms of the Republican party and in the declarations of statesmen who are recognized as the exponents of its policies. In my judgment, no other justification of my opposition to the bill is needed than is found in these declarations:

Mr. Blaine's idea of reciprocity, as stated by the Hartford Courant in 1890, was this:

> We will protect our own industries under all circumstances. We will admit from other countries free of duty such things as we can not produce, but only on condition that other countries admit free of duty such American goods as they can not produce.

At Columbus, Ohio, in 1901, the late Senator John Sherman defined true reciprocity in similar language:

> Granting to foreign nations the reciprocal right of free importation into our ports of articles we can not produce in return for the free introduction into their ports of articles of American production.

Shortly before his death, Thomas B. Reed said:

If we propose to abandon any industries, we had better not let it be the agricultural industries. Between the Atlantic and Pacific stretch vast regions still untilled. The next victory for protection should be there.

Our system of protection is not for manufacturers alone. It is for farmers also. Whoever deprives our farmers of all the American market they can occupy is false to his principles, and must meet with defeat, or the system must be surrendered which proclaims that American markets are first of all for American citizens, who are engaged in developing the country we already have.

The last authoritative and binding declaration of my party in respect to this matter was enunciated at Philadelphia by the national convention of 1900, and is as follows:

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce, in return for free markets.

Mr. President, the whole gist of these declarations is clearly that the reciprocity meant by the Republican party is a reciprocal arrangement that will not be a violation of or inconsistent with its policy of protection to American labor and industry; and this is well expressed in the second inaugural address of President McKinley, as follows:

The end in view always to be the opening up of new markets for the products of our country by granting concessions to the products of other lands that we need and can not produce ourselves, and which do not involve any loss of labor to our own people, but tend to increase their employment.

Mr. SIMMONS. When was that statement made by President McKinley?

Mr. BARD. That was in his last inaugural address.

And in the last public utterances of President McKinley at Buffalo he used the following words:

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus.

And—

We should take from our customers such of their products as we can use without harm to our own industries and labor.

In his message to the two Houses of Congress, at the beginning of the first session of the Fifty-seventh Congress, President Roosevelt, referring to reciprocity as "an incident and result of the firm establishment and preservation of our present economic policy," said:

Reciprocity must be treated as the handmaiden of protection. Our first duty is to see that the protection granted by the tariff in every case where it is needed is maintained, and that reciprocity be sought for so far as it can safely be done without injury to our home industries. * * * The well-being of the wage worker is a prime consideration of our entire policy of economic legislation.

I desire also in this connection to invite the attention of Senators to an excerpt from a resolution of the American Protective Tariff League, adopted at its last annual meeting. This league comprises a large and widely distributed membership of prominent merchants and statesmen of the country, and the excerpts I use express their opinions upon this matter. They say:

Resolved, That reciprocity in competitive products by treaty is unsound in principle, pernicious in practice, and condemned by all experience. It is contrary alike to the principle of protection, to the fair treatment of domestic producers, and to friendly relations with foreign countries. It is neither ethical nor economic, since it seeks to benefit some industries by the sacrifice of others, which is the essence of injustice.

The Republicans of California are as earnestly and intelligently devoted to the principles and policies of their party as are the Republicans of any other State, and in their last State convention,

held at Sacramento August 26, 1902, they gave expression to public sentiment and to their understanding of reciprocity in the following clear and vigorous statement, which is not only in accord with the national platform, but is coupled with a reaffirmation of their adherence to it:

We declare our firm opposition to all reciprocity treaties inconsistent with protection to American labor and industry, to which the Republican party stands pledged, and especially to any reciprocity arrangement with Cuba as being destructive to the beet sugar, raisin, citrus, and dried fruit industries of California, in which large amounts of capital have been invested under the assurance that the same would be safeguarded by the protective tariff as other industries are protected; and we further declare our opposition to any reciprocity policy other than that laid down in the Republican platform of 1900, which says: "We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets."

The Republicans of California have no reason to fear that they will be regarded as refractory or heretical for making that declaration or protest against this treaty.

In the last State election in California, reciprocity, and particularly Cuban reciprocity, was the subject of much discussion. There was an effort made by a few interested men to prevent any expression against Cuban reciprocity by the Republican State convention. I remember quite well that, at the time, many of my neighbors who are engaged in sugar-beet farming urged, quite as strongly as horticulturists did, that some forcible declaration be made expressing the common sentiment entertained by the people, irrespective of party affiliation, that the proposed Cuban reciprocity measure was directly inimical to their interests. This public sentiment was strong then and is strong now in the State. Whether any fear that the protest in the Republican State platform would not be heeded found expression in a materially reduced Republican majority in the State election of November 4, 1902, I am not prepared to say, but as the Republican majority of over 25,000 for McKinley in 1900 was reduced in 1902 to about 3,000 for the Republican candidate for governor, there is cause for some reflection.

The national platform uses the phrase "what we need and can not produce" as a limit and a test for determining what foreign products seeking our markets shall be entitled in reciprocity agreements to favorable terms, and it will be seen, Mr. President, that according to this definition reciprocity in competitive products is not permissible. An attempt to put such a reciprocal arrangement into effect means free trade, and I will not be surprised if many of the Democratic free traders in this chamber will claim credit for the aid they are giving to secure the enactment of this legislation.

I propose to indicate how this measure will seriously, sooner or later, "interrupt" or injure some of the agricultural industries of my State.

When the question of Cuban reciprocity was under discussion before, my attention was called to the following paragraph in one of the monthly summaries of the commerce of Cuba, prepared by the Bureau of Insular Affairs, and dated May, 1902. It reads as follows:

With regular methods and ordinary attention to business, Cuba should be able to compete successfully with California and Florida in the fruit trade of the United States. The following are some of the tropical and subtropical fruits which can be easily and successfully grown: Apricots, bananas, dates, figs, lemons, limes, mangoes, melons, nectarines, oranges, pineapples and pomegranites.

Now, Mr. President, of these named fruits, California, Arizona, and Florida are producing and are capable of fully supplying our American markets with apricots, lemons, limes, figs, nectarines, and oranges; and for home consumption, dates, melons, pineapples, and pomegranites.

Under clear skies and peculiar climatic conditions California has been given many of nature's choicest gifts. Her people are enthusiasts in their admiration of her natural beauties and capabilities, and they are intelligently devoting their energies and their wealth to the development of her varied resources. Her Sierras continue to give profitable employment to the miner and lumberman, and the waters which rise in their secluded canyons, a most precious asset, are being utilized for generating power and irrigation purposes. The foothills and plains yield petroleum in great abundance, which has taken the place of domestic and imported coal as a fuel for almost all purposes, and from her streams and waters she derives a variety of food for her people. Vast regions yet are occupied by sheep and cattle. Agriculture in all its varieties is carried on under exceptional conditions in the arid or semiarid regions, where irrigation is possible, as well as in the more favored maritime sections, and it not only provides bountifully for all the needs of our people, but also immense surpluses, which form an important part of the American foreign commerce.

I will not now speak of the importance and magnitude of the beet-sugar industry in my State nor of the vast areas of land within its borders which are especially suitable for beet culture, but which will not be devoted to that purpose until capital shall recover its confidence that promised protection to the industry will not be interrupted.

But, Mr. President, the most important of all California's varied industries at the present day is *fruit growing*. In a late publication by the California State board of horticulture it is said that the fruit-growing industry has overshadowed all others in extent and importance.

> Stock raising, mining, agriculture, and viticulture have all been overtaken and passed on the road, and to-day the production, handling, and marketing of the various fruits of the State gives employment to a larger number of people and there is to-day more capital invested in those lines than any other class of enterprises in California. Horticulture is the staple industry of the State, and everything that will affect it for either good or bad is watched with interest.

And—

> While fruit has been grown in California from the date of the first settlement, it is only within the past twenty years that the industry has come into any prominence. In that time it has become a great specialty of the State, so that California now boasts the proud distinction of being the orchard of the United States.

The total orchard products of California in 1890 was 16,195 carloads. In 1902 they amounted to 77,538 carloads. The total acreage of orchards in the State is 675,500 acres. The first carload of citrus fruits sent to the East was in 1876, 300 boxes. The estimate of the shipments for the year 1903–4 is 30,000 carloads, with 362 boxes to the car, or 10,860,000 boxes.

The statement which I will insert shows that in 1886 the shipments were 1,000 carloads; that in 1896 they were 7,350 carloads, and in 1900 the shipments were 25,000 carloads, while the present crop, partly marketed, is estimated at 30,000 carloads, or about 11,000,000 boxes.

The annual shipments from 1886 to the present time are as follows:

Year.	Carloads.	Boxes.
1886	a1,000	300,000
1887	a1,800	540,000
1888	a2,600	780,000
1889	a3,350	1,005,000
1890	a4,000	1,200,000
1891	a5,000	1,500,000
1892	a5,871	1,761,300
1893	a5,022	1,506,600
1894	b7,575	2,530,050
1895	b6,915	2,309,610
1896	b7,350	2,454,900
1897	b15,940	5,323,960
1898	c10,351	3,747,062
1899	c17,809	6,446,858
1900	c24,954	9,033,348
1901	c20,387	7,380,094
1902–3	c22,390	8,105,180
1903–4	d30,000	10,860,000

a300 boxes to the car.
b334 boxes to the car.
c362 boxes to the car.
dEstimated.

I have in my hand a letter addressed to me, officially indorsed under the seal of the San Antonio Fruit Exchange, of Pomona, Cal., and attached thereto the tabulated statement of the Southern California Fruit Exchange, showing the number of growers and the acreage under their control, and much other information concerning the citrus-fruit industry in that locality, compiled from the reports of 60 local organizations, representing 3,345 growers. It gives the average size of each grove, the number of people employed and interested in the industry, the cost of production, handling, freight, marketing the products of their groves, and the net returns realized per acre. The information is reliable, and was obtained at cost of considerable work. It serves the purpose of substantiating several of my statements, and I desire to use it as an appendix to my remarks. (See Appendix.)

Some of the most able men of the State are engaged in this industry—indeed, I may say that all the men who are organized for the advancement of the industry on various lines are, as a class, prominent for their intelligence, public spirit, and enterprise. They have given their talents, energies, and fortunes to the improvement and development of the industry, to the study of the causes of the diseases of the fruits; and by dint of such intelligent study and patient research they have given to science valuable information and suggestions and found remedies for the enemies which have at times threatened the destruction of their groves and orchards. They have scoured the world in their search for such information. and to the world they have given the results of their expenditure of time, thought, and money.

Cuba, stimulated by the prospects open to her by this legislation, is profiting by this experience and research of our people, and for two years or more she has been carrying away nursery stock and buds of citrus trees, as well as all the valuable information concerning the results of the experience of our intelligent orchardists, and by adopting also their methods of culture and care and being supplied with the most improved varieties of citrus

fruits, she will soon, under the rapid processes of a tropical climate, be ready to offer in our American markets fruit equal in quality to that of Florida, Arizona, and California. Under the conditions of cheap labor and cheaper cost of transportation her citrus fruits of all varieties, oranges, lemons, limes, and pomelos, improved in quality, can not be excluded from our markets by the readjustment of tariff duties which this bill provides.

As further evidence that California, Florida, and Arizona have reason to fear that Cuba will soon be ready to compete with them in our fruit markets, a writer from Cuba contributes to the Florida Times-Union the following information:

After an eight months' residence in Cuba and traversing the island from end to end—together with a lifelong experience in orange and truck growing—I feel I can say that your Florida man had better keep his eyes on * * * what is going on in Cuba about oranges. * * * It may possibly be a matter of interest. I shall only speak of what I know are planted and being planted. Number of trees is as follows:

Baracoa, one syndicate	250,000
Tanamo, Cuba Fruit Company	11,000
Banes, Boston Fruit Company	3,000
Nipe, Cuba Plantation Company	1,900,000
Holguin, sundry planters	250,000
Ciego, one company	300,000
Puerto Principe, sundry growers	400,000
Habana, sundry growers	50,000
Santiago de las Vegas, sundry growers	60,000
Pinar del Rio, sundry growers	175,000
Total	3,399,000

3,400,000 trees will bear 14,000,000 boxes.

In this connection I will also read for the information of the Senate a letter from a gentleman, formerly of California but now of Habana, Cuba, which was published on November 7, 1903, in the weekly edition of the Pacific Fruit World. It is as follows:

I believe Cuba will beat the world on grape fruit. Tangerines and lemons also look well on Florida stock. The Americans and many of the natives are planning to grow a large crop of vegetables here this winter. Conditions are now favorable, freight to New York being 25 cents, and with reciprocity next month duty will be 10 cents on tomatoes and 56 cents on oranges [this is prospective and not actual.—Ed.], with lower freight when quantity warrants. Under the new tariff our rate is 81 cents against California's 90 cents per box, and with 20-cent freight rate, which we will get sure, it will be 76 cents, duty and freight, against California's 90 cents. Time to New York, sixty hours from Habana; time from California, twelve days and more to New York. It is variously estimated that 1,000,000 trees are planted here, and part of the stock from Jamaica, Porto Rico, and Florida, but now we have plenty of native-grown nursery stock—2-year-old buds 6 feet high and 2½ inches in diameter.

The outcome is inevitable for both California and Florida. You can read the handwriting on the wall.

In Munson's Line Bulletin for October, 1903, I find the following:

R. B. Billingslea, a British civil engineer, who has had large experience in fruit culture in the State of Florida, the island of Jamaica, and in western Cuba, near Mantanzas, has purchased lands in Camaguey, near the line of the Cuba Central Railway, and in the vicinity of Jatibonico, one of the new towns which has been laid out on the old Jucaro-Moron trocha, for the purpose of planting out one of the largest orange groves in Cuba. Mr. Billingslea has already contracted with Tampa parties for most of the trees needed and expects to put in 400,000 trees during the next six months. Eventually it is Mr. Billingslea's intention to increase the number to half a million orange trees. He also intends to plant 100,000 sundry citrus fruits—lemons, limes, and grape fruits mostly.

And this is going on all over the island.

I do not think it is important under the circumstances to introduce here, as I might, hundreds of comments by California newspapers concerning this treaty. A consensus of their utterances

it a *protest* against the injustice to the industries of the State. They believe that the reduction of one-fifth of the duties on sugar is harmful to that thriving new industry in that the encouragement thus given to the cane-sugar industry of Cuba is at the same time in effect a discouragement to the further development of the beet-sugar industry of the United States; that as the sugar product (refined) of the United States is substantially controlled by a trust the reduction in the tariff rate could be used by the factories as excuse for lowering the price which is to be paid to the beet-root grower, and therefore such reduction tends to deprive the farmer of the full reward for his labor and investment to which he is entitled, and in respect to sugar they emphasize the certainty that an injury will come to the domestic sugar industry from the stimulation of the Cuban cane-sugar industries which this bill is intended to give. Among the orchardists this same feeling and conviction exists. They are aware that Cuba is not yet ready to drive California fruits entirely out of our eastern markets, for her production of citrus fruits is now comparatively inconsiderable, and it is conceded that in a very narrow sense the effect of the injury to this important industry, against which they are protesting, will not be immediately observed.

Mr. President, these newspaper opinions are valuable, but they do not go to the heart of the matter, as do some of the strong protectionist journals like the San Francisco Chronicle, whose utterances upon such questions are always received by the whole country with much respect. I would not care to introduce here some of the criticisms in which it has been indulging concerning the action of Congress in respect to this measure; but its objections to the bill, founded upon its conception of the injury which will be inflicted, are as sound in my judgment as are its objections to it on the ground that it is in violation of the great principles involved and which are recognized as the groundwork of the Republican policy of reciprocity.

I will ask the Secretary to read the following editorial from the San Francisco Chronicle of December 6, 1902, omitting the immaterial portion which is stricken out.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The paper sent to the desk by the Senator will be read, in the absence of objection.

The Secretary read as follows:

The defeat of reciprocity depends upon a general comprehension of the fact that if we admit the principle of "reciprocity" such treaties will not stop with Cuba, nor will any protected interest ever be safe, nor shall we be able to control our revenues or retain our commercial independence.

But it requires time for general principles to take hold of the public mind effectively enough to control political action. Meanwhile it is perhaps necessary to make the fight on the obvious material injury to American interests which would result from the sacrifice of particular American industries for the promotion of foreign trade. We here in California are easily aroused to resistance when any proposal is made to sacrifice the citrus industry in a "reciprocity" trade. That is because there are many intelligent and vigorous people who are directly interested and who have the force to command attention. In realty, if we once accept the principle that some American industries may well be sacrificed for the benefit of others, nothing can long save our citrus growers. Except in personal vigor, the citrus interest is politically one of the weakest of our industries.

In national importance, also, it is a trifle in comparison with the sugar industry. We are enormous consumers of sugar. We import the greater part of what we consume. It is possible, on the contrary, for us to produce every pound which we use, and to do so within a very few years. But it is certain that a given amount of land and labor in Cuba will produce much more sugar than can be produced by the same labor on the same land in the United States, and both land and labor are far cheaper in Cuba than here. Upon the free-trade doctrine sugar is preeminently an article to be admitted free.

On the protective theory, however, it is preeminently a subject for protection. We do not produce what we require. Without protection we shall never do so, while with protection, and within a very reasonable time, we shall produce sugar in abundance and quite as cheaply as we produce other things into whose cost labor largely enters. Sugar is an article for whose unimpaired protection we can most earnestly fight, whether upon the broad principle involved or upon the material interests immediately at stake, and the fight should be prosecuted by every means in our power.

Mr. BARD. I also ask the Secretary to read the following from another able and influential California newspaper, the Los Angeles Times, of January 27, 1903, omitting also in this case the immaterial matter, which is stricken out.

The PRESIDING OFFICER. The paper will be read if there be no objection.

The Secretary read as follows:

CITRUS FRUIT IN CUBA.

The question of the much-debated reciprocity treaty with Cuba is now approaching a climax, and promises to cause a bitter and protracted discussion in Congress. * * *

California is probably more directly interested in this question than any other State in the Union. It is not only the beet-sugar men who have interests at stake—the growers of citrus fruits have begun to take alarm. In this connection, the following extract from an advertisement in an eastern magazine, regarding a Cuban colony enterprise, is of interest:

"Ten acres of Cuban soil will produce, with little labor, more dollars than 200 acres of the best land in the United States. * * *

"The climate is perfect, frosts unknown, and the fruit crop sure. The soil and climate surpass any other on the globe for growing fruit. Since General Wood put sewerage into Habana no country can show a better health record.

"Land is low in price and sold on long time, without interest or taxation. Write at once for free prospectus, and learn about this country and the advantages we have to offer investors."

These statements are doubtless exaggerated, yet there is no reason to doubt that, with the advantage of a low tariff, Cuba would be able to compete successfully, east of the Mississippi, with some of the leading products of California. The horticulturists of that section have the double advantage over Californians of very cheap labor and very low rates of transportation. It is not surprising to learn that many American speculators and investors are beginning to pick up horticultural lands in the island.

As the Times has frequently shown, the citrus-fruit industry of California has been built up at great cost of money and patient persistence. It is certainly one of the American industries that is specially deserving of consideration at the hands of Congress so long as we maintain our system of protection under which the country has grown so great and prosperous.

Mr. BARD. Now, Mr. President, the particular point which I desire to press upon the attention of the Senate is that it is not so much the immediate injury to our industries that we fear as it is the future injury which will result from this legislation. This injury results in two ways. On the one hand, in consequence of the stimulus given by this legislation to certain industries of Cuba, which can be developed into immense proportions under such favorable conditions that they may soon successfully invade our markets, and, on the other hand, in consequence of the effectual blow that it strikes by discouraging the further development of our own resources.

Almost all of the horticultural products which Cuba is capable of producing are matched by the products of Florida, California, Arizona, and the Gulf States. Indeed, these States are capable of supplying American markets all that they are able to receive of citrus and other semitropical fruits, fresh, dried, or preserved. These products form the basis of much of their prosperity. They have been fostered by the fulfillment of the promise given by the declarations of the Republican party, and the continuance of their prosperity is largely dependent upon the continuance of the power and the disposition of the Republican party to foster them. The protection given by the Dingley bill is regarded by our or-

chardists as certainly not more than adequate. The competition by Porto Rico oranges in eastern markets in a part of the year has resulted in losses to our producers in the not infrequent cases where they have been forced by such competition to sell their fruits at prices barely covering the costs of transportation and commission.

It must be remembered that fresh fruit soon deteriorates and is perishable, and frequently must be sold under sharp competition, and sometimes at almost any price the buyer may choose to offer. But Porto Rico, unlike Cuba, is now a part of the United States, and it is reasonable to give her the same advantages in our market which we accord to our continental territory. These California orchardists understand this quite well and are not jealous of Porto Ricans. The existing conditions relating to this California industry are substantially the same as when the Dingley tariff law was enacted. The cost of labor, at the American appreciation of its value, and the cost of transportation over thousands of miles of railroad, as compared with the values at which labor is estimated in other countries and the cost of transportation from Cuba to our ports, are of course elements which enter into calculations to ascertain what tariff rates are necessary to prevent inordinate importations of such commodities. Labor in this country is certainly no cheaper than it was when the Dingley tariff became operative, and railroad transportation rates are no lower. If the railroads have done anything since then to encourage the industry, it is perhaps in the improvement of their methods and in furnishing more suitable facilities for the carrying of fresh fruits; but they have not reduced their rates, though the great increase in the bulk of this class of freights would seem to justify such reduction.

But, Mr. President, I gladly spare Senators and myself from any discussion on my part of the mooted question whether the benefits intended for Cuba, by giving her most important products a rebate of 20 per cent on our tariff rates, will inure to the Cuban planters or whether such benefits will be misdirected into the pockets of the American sugar trust, which is, in fact, the only purchaser of raw sugars in this country.

President Roosevelt, in his message to Congress, with reference to reciprocity with Cuba, shortly before the close of the first session of the Fifty-seventh Congress, again urged Congress to give consideration to the subject, and referring to the objection which had been made to the granting of the proposed reduction on the ground that the substantial benefit would not go to the Cuban producer of sugar but would inure to the American sugar refiners, he said:

> In my judgment, provision can and should be made which will guarantee us against this possibility, without having recourse to a measure of doubtful policy, such as a bounty in the form of a rebate.

This statement is substantially a qualification of the President's recommendation of the treaty, and it implies that if no way can be found for securing the guaranty which he says *can and should be given*, then in such case there would be lacking one essential provision, without which the measure might not merit his recommendation. I refer to this statement of the President for the purpose of pointing out that neither in the treaty itself nor in the bill now before us is there to be found any provision which is a guar-

anty preventing a misdirection or abuse of the intended benevolence to Cuba. Upon a former occasion I thought that the harm which this measure will cause to some of the industries of my State could be definitely pointed out and prevented by reasonable amendment to the treaty, and I would now introduce such amendments to the bill if that action were justified under present circumstances by any hope of success. Even if radical amendments in effect eliminating the objectionable features that relate to California productions were impracticable, an amendment fixing definitely the term during which the treaty is to continue in operation ought to be considered reasonable, and such an amendment would, in one respect, abate the permanent injury to our industries which I have said is most to be feared.

I do not believe that the so-called five-year clause is a definite limitation in respect to time of any mischief that this legislation may bring to our country. It is incorrect to say that the time for which the treaty is to continue is five years and no more. The provision is that the treaty shall continue indefinitely until notice be given by either party of its intention to terminate the same. It is to continue in operation for five years and from year to year thereafter until the expiration of one year from the day when such notice shall be given. Now, Mr. President, who is to give the notice on the part of the United States? The executive branch of the Government could not be expected to assume such responsibility without the authority of Congress.

When it shall be more clearly seen than now that our own sugar, our citrus and other fruit, our cotton, tobacco, and other industries are threatened with serious injury or destruction by the operations of this treaty, will the notice be given even then if Congress should at that time be controlled by a Democratic free-trade majority? I am sure it would not if that party should act consistently with its principles. Would not a Republican Congress under such conditions be embarrassed by the consideration that the raising of the tariff rate on Cuban sugar and her other agricultural products at that time would seem to be a cruel blow to foreign industries that we have fostered and which, by implication, we may be held by honor to protect?

I realize the futility of any opposition at this juncture, for the Senate has already by its ratification of the treaty substantially committed itself to the passage of the bill without amendments, and for that reason it is unnecessary for me to enter into an elaborate discussion, and I know that my remarks must therefore, under the circumstances, be regarded in the nature of a *protest* only.

Being convinced that this legislation is harmful to our industries and is inconsistent with Republican principles, I am impelled by a sense of duty to my party as well as to my State to record my protest against it.

But, while my remarks do not harmonize with the view of the President in regard to the necessity or the wisdom of this legislation, it is gratifying to note that in his messages to Congress he declares that "this reciprocity treaty stands by itself" and that "the reasons for it far outweigh those for granting reciprocity with any other nation;" for that declaration certainly means that the particular consideration which, according to his views, justifies the legislation is exceptional, and that in no other probable case will similar conditions recur.

Mr. President, I would be sorry if this legislation could ever be taken as a precedent interpreting the Republican policy of reciprocity, and I shall be content if my remarks serve no other purpose than to call attention to the fact that my colleagues on this side of this Chamber, though some of them may believe that the measure secures to the United States economic advantages equal to those given to Cuba, agree with the President that "*this reciprocity treaty is a proposition which stands entirely alone.*"

APPENDIX.

SAN ANTONIO FRUIT EXCHANGE,
Pomona, Cal., January 7, 1902.

HON. THOMAS R. BARD,
United States Senator, Washington, D. C.

DEAR SIR: In order to give you the actual facts and reliable data as to the citrus industry of California, I attach hereto the tabulated statement of the Southern California Fruit Exchange, giving the actual number of growers and the actual acreage under their control during 1901, and the total number of boxes of oranges and lemons shipped by the 60 local organizations, represented by the 13 district exchanges, as shown in the statement.

The Southern California Fruit Exchange is a cooperative corporation formed for the sole and only purpose of creating a joint selling agency for the district exchanges, performing similar functions for these exchanges that a clearing house performs for the banks who are members of the same. No profit whatever accrues to either the Southern California Fruit Exchange or any of the district exchanges or local associations, all being controlled by the growers, who are members and who share in the profits pro rata, according to the percentage of fruit furnished by each, the marketing being done for the members only and at actual cost. The growers, being the stockholders, elect all officers and directors and own all packing and storage houses.

From this statement it will be seen that these organizations have a total membership of 3,345 growers, with a total acreage of 30,341 acres, showing the average size of each grove or the ownership of each grower to be 9 acres, which produced during the year 1901 1,216 boxes of citrus fruits to each 9 acres (equals 135 boxes per acre), upon which the association made an expenditure of $234 for the labor performed for picking, hauling, and packing the crop of each 9-acre ranch ($26 per acre, or 19¼ cents per box), or a total of $782,941.

In order to get at the true, exact value and average cost of these properties I have procured a detailed statement and complete returns from 199 groves, 43 from San Bernardino County, 75 from Covina, and 81 of the best groves under our control in this valley. These statements, which I submitted to you in Los Angeles, are on file in my office, signed by the owners, and give in detail the actual cost of the grove and the actual expense for water, fumigation, fertilizer, and labor performed upon the same during the past year, as well as the actual returns from the groves.

The growers furnishing these statements are all members of the Southern California Fruit Exchange, and had better marketing facilities and larger returns than the average of the growers not members of such organization.

I am personally acquainted with the 81 groves and the growers who furnished the statements from which the tabulation has been made. I have had charge of the marketing (cooperative) of their products for the past six years, and as manager of the San Antonio Fruit Exchange and active director of the Southern California Fruit Exchange I think I am qualified to speak upon this subject.

Mr. E. F. Van Luven, who is now, and for the past eight years has been, manager of the San Bernardino County Fruit Exchange, and for years a director of the Southern California Fruit Exchange, compiled the data from 43 statements filed with him by the growers from Redlands, Highlands, etc., and

Mr. H. E. Chesebro, manager of the Covina Fruit Exchange and director of the Southern California Fruit Exchange, compiled the data of 75 of their growers. I have added and tabulated all of these statements and show the following result and summary:

199 groves, total acreage, 2,828; average each ..... acres..	14¼
199 groves, total value, $1,970,905; average each	$9,854.00
199 groves, total labor and fertilizer, $200,391; average each	$1,007.00
199 groves, total gross returns, $278,936; average each	$1,402.00
199 groves, total net returns, $78,545; average each	$399.00
199 groves, total average percentage on investment ..... per cent..	3.98
199 groves, total value per acre on investment	$691.50
199 groves, total net returns per acre on investment	$27.00

In the item of value is included cost of land and water, reservoirs, pipe lines, etc. In the item of labor and fertilizer is included cost of pumping and distributing water, labor for maintenance of reservoir, pipe lines, etc. (Copies of the circulars and statements used for above statistics are hereto attached.)

Average number of boxes per acre, according to the statement of the Southern California Fruit Exchange	134
Average number of boxes to each 14¼ acres	1,910
Average cost of labor per box at packing house	$0.19½
Average cost of labor on ranch per box	$0.53
Total average cost of labor per box	$0.72½

A box of oranges weighs 65 pounds net, and a box of lemons 75 pounds net. The freight on a box of oranges is 90 cents. The freight on a box of lemons is $1.05. The refrigerating charge on a box of oranges is 25 cents in addition to the freight, and on lemons 30 cents.

Oranges and lemons generally require refrigerating during the months from March 15 to October 15.

A carload of oranges contains not less than 362 boxes, and a car of lemons not less than 312 boxes.

The Southern California Fruit Exchange having handled 43 per cent of the entire crop of citrus fruits grown in California in 1901, it is reasonable to assume that there are 7,954 owners of orange groves, with a total value of investment of nearly $80,000,000. Assuming that it takes the constant labor of 1 person to grow and prepare the product on each 4 acres, and assuming further that the average number of persons to each family is 4, it would show a total of 71,586 persons sustained by the citrus industry, and an average investment of near $1,100 to each person; possibly a larger amount of investment per capita than can be shown by any other horticultural or agricultural industry.

From the above figures it is shown that it requires $6,592,694, or 72½ cents per box, to pay for the labor to grow and pack this crop. The transportation companies received $10,721,720 for transporting the same to market and for refrigeration, to which must be added the cost of the paper and box materials for packing the same, amounting to $1,831,304 (all of which consists largely of labor), while the growers received only $2,746,956 as interest and taxes on their investment.

The above items cover the crop of 1901, which amounted to 9,156,520 boxes. From the figures given you will see that it actually cost the grower of California $2.025 per box in labor and cash outlay to produce these citrus fruits and place them in the eastern markets. Add to this a selling charge of 10 cents per box, you make the actual cost $2.125 per box.

In order to compare the cost of placing a box of our citrus fruits into the jobbers' hands in New York City with that of the importers, we call your attention to the statement of one of the largest importers in the trade, Mr. P. Brucato, of Brucato Brothers, of New York and Sicily, world-famed packers, which statement was furnished by him to the editor of Tuck's New York Packer, and is from the importer's standpoint.

[Tuck's New York Packer, November 30, 1901.]

In this statement Mr. Brucato says:

"Now, as to prices, you ask me if Italian exporters can not lower the cost of the product in order to meet California competition. I say no, for these reasons: My best quality of fruit is being offered to-day at 5s. 3d. and freight, equal to about $1.30. Now, where does the grower come in? Let us see. The freight is 1s. 2d., equal to about 29 cents; the cost of repacking and furnishing tinsel, chromos, boxes to haul to packing houses, empty boxes, straps, waste or poor fruit, hauling from the orchards to the train, and delivery to repacking station at Messina or other points, labor both in the orchard and in the packing house, can not be done, all told, for less than 3s., equal to 75 cents; and then say 3d., or 6 cents, for the brokerage and rent of the packing house, brings the expense up to $1.10, or very close to it. This gives the grower 20 cents to 22 cents for his fruit in the orchard. I may go further into detail as regards an itemized expense account, instead of saying 3s. for expenses; but dealers know that included in the itemized statement above is the expense of 14 cents for empty boxes, and another 14 cents for picking the fruit and hauling to railroad station and delivery at unloading points. So you see here is already 28 cents of the 75 cents mentioned above."

Please note this party says that he is offering foreign fruits (lemons) in New York, freight paid, at $1.30 (including every cost of labor and material, hauling, waste, poor fruit, etc.). Add to this the duty of 1 cent per pound, 75 cents, and you have a market value of $2.05, duty paid, as against $2.125, the actual cost of California production, or the foreign lemon costing $1.85 as against California $2.125, a difference in favor of the foreign grower of 27½ cents per box.

Assuming that the entire crop of 9,156,520 boxes averaged to the California grower on the trees 80 cents per box (which I feel safe in saying is not the case), it would show a return of little more than 1 cent per pound, just about 10 cents per box, more than the present duty, or a net return over the actual cost of production of a little over 20 cents per box, just what Mr. Brucato says the Sicily grower gets out of the $1.30.

During the whole year 1901 the markets of the United States were fully supplied with citrus fruits from California and Florida, and every want and demand was met. There were possibly 2,500 cars, or 900,000 boxes, of fruit that rotted on the ground in California for want of a market.

The California growers produce enough to supply all home demand in oranges, and are already compelled to look for foreign markets for their surplus. This will also be the case of lemons in a short time under proper protection.

We give here the actual shipments of citrus fruits from California during 1901:

Date.	Cars.	Boxes.
January	3,094	1,113,840
February	3,419	1,230,840
March	3,892	1,401,120
April	4,054	1,459,440
May	3,292	1,185,120
June	1,744	627,840
July	1,054	379,440
August	559	201,240
September	189	68,040
October	223	80,280
November	1,267	446,120
December	2,675	963,000
Total	25,462	9,156,520

These figures are official, and can be verified by applying to either the Southern Pacific Company or to the Southern California Railway Company.

I estimate the output of Florida for 1901 at 1,500,000 boxes and the shipments of the same as follows:

November	540,000
December	810,000
January	150,000

The Florida product is increasing at an enormous rate, and in all probability will add a million boxes per year, nearly all to be marketed in November and December.

Add these Florida shipments to those from California and you have the total number of boxes shipped during each month as follows:

	Boxes.		Boxes.
January	1,263,840	August	201,240
February	1,230,840	September	68,040
March	1,401,120	October	80,280
April	1,459,440	November	986,120
May	1,185,120	December	17,730,000
June	627,840		
July	379,440	Total	10,656,520

From these figures it will be seen that more than three-fifths of the total shipments of the United States, or 6,654,920 boxes, are marketable in the United States in the months from November to March, inclusive. Our production is large enough to supply all the wants of the United States. The market should be held for us, and we should not be subjected to unfair competition from abroad. Importers now having an advantage under the present tariff, there should be no further concessions to them unless it is desired to throttle the industry which now supports over 60,000 of American citizens in California alone, besides the growers of other sections, all of whose money is spent for American products and in America.

The statement of Mr. P. Brucato as to the cost and the price is on lemons only. Oranges are packed in smaller boxes and weigh 10 pounds less per box. This reduces the cost of packages, takes less handling and repacking, less tinsel and paper, costs less freight, and 10 cents per box less duty; so that it is safe to say oranges can be sold in this country for $1.80, duty paid, at the same profit to the foreign grower and dealer as in the case of lemons, or laid down here at a net cost of production for $1.60 per box.

The statement of California cost is on a crop of nearly 90 per cent oranges and 10 per cent lemons, which fact should be borne in mind in considering this statement.

The above tabulation has been made from official record and is as nearly correct as it is possible to make it.

P. J. DREHER,
Manager San Antonio Fruit Exchange, and
Director Southern California Fruit Exchange.

At a regular meeting of the board of directors of the San Antonio Fruit Exchange, held this day, all members being present, the following resolution was unanimously adopted:

"*Resolved*, That we approve and indorse the foregoing letter to Senator BARD, and that the officers of this corporation are hereby instructed to make such indorsement officially under the seal of the corporation."

[SEAL.]

SAN ANTONIO FRUIT EXCHANGE,
D. C. TEAGUE, *President.*
P. J. DREHER, *Secretary.*

POMONA, CAL., *January 7, 1902.*

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Exchanges.	Number of growers.	Acreage of orange orchards.	Acreage of lemon orchards.	Boxes of oranges shipped.	Boxes of lemons shipped.	Average wages of ranch hands.	Estimated total amount for picking and packing entire crop.
A. C. G. Fruit Exchange, Azusa, Cal	262	2,140	200	329,707	36,692	$1.50	$62,298.25
Arlington Heights Fruit Co., Riverside, Cal	2	1,513	471	197,772	105,338	1.75	66,534.10
N. W. Blanchard, Santa Paula, Cal	3	70	350	27,126	24,723	1.75	28,036.35
Covina Fruit Exchange, Covina, Cal	125	1,100	100	166,688	15,000	1.75	30,253.20
Duarte-Monrovia Fruit Exchange, Duarte, Cal	128	712	63	108,390	15,559	1.75	27,730.00
Ontario-Cucamonga Fruit Exchange, North Ontario, Cal	879	5,202	1,234	588,237	155,566	1.75	142,683.60
Orange County Fruit Exchange, Orange, Cal	175	1,000	100	89,000	2,800	1.75	41,350.00
Queen Colony Fruit Exchange, Corona, Cal	125	1,000	1,000	85,000	75,000	1.75	43,000.00
Riverside Fruit Exchange, Riverside, Cal	451	4,474	30	731,490	1,696	1.75	110,317.10
San Antonio Fruit Exchange, Pomona, Cal	472	2,657	675	414,592	70,710	1.75	87,969.85
San Bernardino County Fruit Exchange, Colton, Cal	250	2,000	150	261,173	9,837	1.75	42,618.90
Santa Barbara Lemon Growers' Exchange, Santa Barbara, Cal	83	----------	150	----------	30,000	1.50	10,250.00
Semi-Tropic Fruit Exchange, Los Angeles, Cal	390	2,300	1,650	310,000	124,000	1.75	89,900.00
Total	3,345	24,168	6,173	3,309,175	666,921	----------	782,941.35

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SPEECH

OF

HON. NEWTON BOOTH,

OF CALIFORNIA,

—IN—

San Francisco, September 11, 1880.

SPEECH.

The nomination of General Hancock for President, by the Democratic party, means one of two things—conversion or hypocrisy—a change of heart or an attempt to deceive. If it be the first—if this be the evidence of a sincere abandonment of old positions, what reason can that party give for its further existence? Is it necessary to call the Democratic party into power to administer the Government on Republican principles? The effrontery of a claim like this would be sublime if it were not ridiculous.

I have heard an illustration which seems to me apt: It is as if the prodigal son, when he returned to his father's house, and eaten the fatted calf, should turn the old gentleman out of doors, demand a deed to the farm, insist that nothing less would reconcile him and make him forget the past unpleasantness!

I have been trying to find an historical parallel. I have failed. History is often absurd—but never, I think, so absurd as that. I can imagine one: During the war of the American revolution, there was a large number of men in this country who were sincerely opposed to the independence of the United States. In some sections they were in a majority. They were called Tories, from their sympathy with the then governing party in Great Britain. They held themselves to be subjects of George the III, just as much as the great body of the people in the Southern States from 1861 to 1865 held themselves citizens of the Confederacy. They resisted drafts, impeded the execution of the laws, fought with the red-coats, and made the revolution a civil war—a war that divided neighbors and families. Suppose the Tories had maintained a distinct political organization after the war closed, and had met in convention, resolved that they stood by their principles, were proud of their traditions, and that they were of right entitled to the possession and control of the Government of the United States. Suppose they had nominated for President General Gates, a soldier by profession, distinguished for his services in the patriot army; and had said, "Accept this as an olive branch—we admit the United States are independent—give us the control of the Government to soothe our feelings; do it, or we shall be mad so long as we live, and the longer we live the madder we'll get—and you shall be responsible for the animosities which have grown out of the war."

Would that proposition be more absurd, preposterous, than that of the Democratic party to-day?

If it had not been for the Republican party there would to-day have been no Government of the United States to administer. I am not speaking of men, but of political organizations. If there be any way in which to administer a free government except through political parties, it has not yet been discovered. For the past twenty years the Republican and Democratic parties have stood in bold, defiant, aggressive opposition. However members of these parties may agree or disagree upon measures of temporary policy, the difference between the parties as political organizations, in their scope, tendency, spirit, is essential, radical, fundamental. I repeat, and enlarge the statement, that we have a government of the United States of America; that we have a great Republic—the first great Republic in history where no man calls another master—is due, under Providence, to that organization which will be known and honored in history forever as the Republican party.

I have heard the statement made, and its truth conceded by men with whom I politically affiliate, and for whom I have the highest respect, that no party was entitled to the credit of putting down the rebellion; that it was the work of the American people. If this mean that it was the work of the American people irrespective of party organization, I deny it. If there had been no Democratic party, the rebellion would not have lasted a season, if it had ever arisen. If no Republican party had stood behind Lincoln, the rebels would have dictated terms at Washington, without a Bull Run.

Mere physical courage is an attribute which we share with the animals. If the war had been a mere exhibition of brute force, a trial of strength, a field for the display of military skill, it would have been the stupendous crime of history. It was only as a part of the conflict of ideas necessary to the salvation of the Republic, that it is redeemed from murder, to sacrifice, and takes its place in heroic annals. From the humblest soldier who fell in battle to the martyred Lincoln, it was the awful issues at stake; the tremendous interests imperilled; the great ideas involved,

that sanctified it all. These ideas, interests, issues, were formulated, championed, and defended by the Republican party.

Political parties are not mere voluntary associations. They cannot be made to order. If they have any vitality, they organize themselves and become great forces in human affairs. To ascertain the governing ideas of a political party, we should not go to a particular declaration made at a particular time for a particular purpose. That might be a passing qualm of conscience, or, perchance, a bid for office. We must examine its history. Especially if there be such, should we see how it has met great emergencies, that try the inmost heart and test the utmost strength. Has it arisen to or fallen short of the height of great occasions, when great interests were at stake, and the rights which underlie all forms of government imperilled?

There may come a time to parties—as there often does to men—a time of trial, when the very soul stands revealed, naked in the burning light of day. After that, professions and hypocrisy are useless to conceal. Nothing but the grave can cover infirmity.

The Democratic party has passed such an ordeal, and the highest boon it can rightfully ask is the charity of oblivion. The only mercy it ought to expect is forgetfulness.

I choose in this address to discuss historical facts, essential differences, central principles. There are differences of opinion among Republicans as there are among Democrats on questions of revenue and currency, of tariff, greenbacks, gold, and silver. Many of these will be gradually settled by experience. That these are questions of comparatively trivial importance is due to the wise, patriotic, and successful administration of the Republican party.

We are a Nation 50,000,000 strong; that we shall remain a Nation, one undivided, indivisible, there can be no doubt. No Englishman doubts there will always be an England for the English; no German doubts there will always be a Germany for the Germans; there will always be a France for the French; that there will always be an America for Americans—that this fact has been accomplished, established—is due to the Republican party. What the Government of the country shall be—how it shall be administered—is a question of only less importance than its continued existence.

The problems of law, administration, and policy which are constantly arising in a Government like ours, are complicated and difficult. Neither you nor I, nor any one else, can understand them all in detail. What we are required to understand is the spirit in which they are to be met and solved.

No disinterested man, if there be such, will seriously contend that the Government would be better administered under Democratic than under Republican control; that its dealings with foreign nations would be more just and enlightened; that its credit would be better maintained; that its debt would be more rapidly paid; that it would be better protected from the vague, vast, portentious mass of Southern war claims which hang over it like a cloud. Surely no one will claim, whether disinterested or not, that the spirit of the Democratic party is more in harmony with social order, and that orderly progress of society which comes of evolution, not revolution, than the Republican. No one, however prejudiced, will claim that those personal rights which all government is ordained to protect—free speech, equality before the law, the security of each in the enjoyment of his own—are safer under Democratic than Republican control. No one, whatever his condition may be, will dare to assert that the American idea of government—personal liberty and national union, centre and circumference—is safer under Democratic than Republican control.

The splendid achievements of the Republican party since the close of the war will be only less famous in history than the suppression of the rebellion.

Pause for a moment! Go back in your memories to the sad, bitter day when the joy of victory was turned to tears, and the sweet dawn of peace was clouded by the death of Lincoln.

Did ever a nation confront graver problems, more complicated difficulties, more serious dangers, than ours did then?

The questions our fathers met in the establishment of a government, after the achievement of independence, were far less difficult. The war of the revolution itself welded the people into one; the war of the rebellion dissevered them. The governments of eleven States had been destroyed, and the people of these States were animated with a hatred for the Union which was intensified by defeat. The actual poverty of the South was scarcely less to be deplored than the fictitious, inflated, speculative prosperity of the North was to be feared in its ultimate effect.

Four million slaves, who had inherited slavery with its submissions and weakness from immemorial generations, had just been emancipated, and were to live side by

side with their late masters, who regarded their emancipation as an act of despotic power. A million of men under arms, flushed with victory, proud of their leaders, were to be disbanded and absorbed in the pursuits of civil life. A currency fluctuating from day to day demoralized business into speculation or degraded into gambling. A debt so vast it could scarcely be estimated, and behind it a mass of claims too vague and vast for definition. A credit prostrated until it was a by-word and a reproach.

Confronting these questions, between order and anarchy, civil government and military rule, payment and repudiation, with nameless and countless complications of settlement, in the moment of supreme civil peril, our chosen leader, whose character exalted to the highest plane of humanity made him worthy to wear the crown of martyrdom, whose wisdom and purity, and the great love the people bore him, were pledges of the Nation's safety, was stricken down, and the hearts of the people were stirred by wild thoughts of vengeance. The sea of trouble was tempest-tossed by passion.

In war all questions are subordinated to success—all measures look to one end—all appeals are to one sentiment. War over, the intensity of excitement relaxed, the stimulus of heroic achievements and tangible resistance withdrawn, difficulties of administration begin. These had never been more manifold and complicated than with us. For never had civil war been waged over so wide a country, involved greater loss of life and property, enlisted deeper passions, or been fraught with graver interests.

Go back again to the bitter day when the lightning flashed over the civilized world the saddest tidings the wires have ever borne—that Lincoln was dead. What a weary waste of difficulty lay before the Republic! What a dark cloud of danger overhung it! An army in hand which in any other country an ambitious leader might use to subvert civil authority; a united Government to be established over a discordant people on the basis of justice to each; freedom to be secured to 4,000,000 emancipated slaves in a hostile community. This to be done with a credit prostrated by unexampled expenditures, and under a load of incalculable debt.

Contrast then with now; that with this; not sixteen years have gone; not half a generation; our credit is the highest in the world; our debt liquidated until it is easily in hand, and substantially all held at home; the Nation stands in the foremost rank of time, and an indissoluble Union has been sealed with universal freedom.

To assert that a party has made no mistakes would be to claim that it is more than human. Measures are often experimental—sometimes a choice of evils. A party must be judged by the result of its policy. To say that the Democratic party would have improved on this magnificent result, the grandest in civil history, is to insult common sense and libel common honesty. It has stood as a party of obstruction. It has stood as a prophet of evil, intent on making its predictions good. It has proposed no great measure; it has championed no great idea; it has uttered no broad catholic truth. Whatever has been achieved for human progress, national stability, personal freedom, has been accomplished in its despite. It is even driven to the necessity of making a merit of acquiescing in what it was powerless to prevent, and is impotent to reverse. Twelve years ago it denounced the thirteenth, fourteenth, and fifteenth amendments to the Constitution as revolutionary and void. To-day it concedes they are a part of the organic law. It has taken the party twelve years to discover what all the world knew. General Hancock, in his letter of acceptance, says these amendments must be maintained. I read that part of his letter with delight, and half expected to find the logical sequence—that he would advise everybody to support Garfield, who had assisted in their adoption.

The earnest, sincere acceptance by the Democratic party of these amendments, crystallized results of the war, would be a triumph for the Republican party scarcely less than its highest achievement. But there is a difference between lip-service and heart-service; between creed and faith; between the letter which killeth and the spirit which maketh alive. There is a difference between accepting a situation as a hard necessity, and embracing it as a joyful opportunity. There is a difference in the spirit which says, "The lines are hard, but it is so written; I acquiesce in the inevitable," and that which exclaims, "Before ever the world was it was true; though the foundations of the world should pass away, it will remain true; therefore it is so written."

These represent principles which are the trophies of the Republican party. It achieved them in tribulation and trial; it clung to them when it was treading the wine-press; it bore them amid the fires of battle; in the darkness of defeat it would not part with them; washed in the blood of the faithful, it flung them to the broad light in the triumphant glory of victory. Come weal or come woe, come joy or sorrow, they are a part of its history forever.

I desire to adhere to my text. It may be late to state it in the middle of the dis-

course, but you will pardon the omission. It is, that a free government can only be administered through party organization; that political parties are forces which must be judged by their tendency, direction, results; and that the triumph of ideas —the moral triumph in the war of the rebellion—which redeem the war from butchery and emblazon it among the constellations of history; that the unity, credit, and general prosperity which, in the face of unexampled difficulties, the country has attained, are due not to any unorganized, vague sentiment diffused at large, but to the powerful organization of that sentiment in the Republican party. That all these achievements have been in opposition to the Democratic party; that the antagonism between the parties still exists, by reason of the antagonism of spirit, purpose, and tradition—and will exist so long as both shall live. That they represent the ideas of diverse civilizations—the one the relic of the social aristocracy and African slavery of the South, the other the product of the universal freedom and local Democratic institutions of the North; and if either is right, the other is so fatally wrong that it has forfeited its right to a place in history.

If I must refer to facts which are but too familiar, it is because of the difficulty of demonstrating a proposition which ought to be evident from its statement.

Again I ask you to revert to one of the great crises of our history. Lincoln was inaugurated on the 4th of March, 1861. The Confederate Government was already organized; its Constitution had been agreed upon; its President selected. It had appointed diplomatic agents to treat with the Government of the United States. General Twiggs, commanding the Department of Texas, had turned over his entire army, with posts, fortifications, arms, and munitions, depriving the Government of the United States of half its military force, and of the control of Texas, with the Mexican frontier. Forts, arsenals, and public property had been seized, not only within the limits of the seven States which had passed ordinances of secession, but within several which had not. It was evident to the dullest understanding that one of two calamities was imminent — either a dissolution, which would be a national humiliation and disgrace, or war. Both could only be averted in one way. If the Democratic party of the North had made one authoritative declaration that the laws of the United States must be enforced throughout all the land, that the flag should never recede an inch on American soil, the Union might have been restored with peace.

The Senate of the United States was in session for twenty-five days while the fate of the Nation hung in balance. Horace Greeley says: "No Democrat in the Senate, and no organ of Democratic opinion out of the Senate, proffered an assurance or an exhortation to the President tending to encourage and support him in upholding the integrity and supporting the laws of the Union." The opportunity went by. The word was not spoken, "and the war came."

In the course of an elaborate speech in the Senate, on the 10th of May, 1879, Senator Hill, of Georgia, said: "No, my good Northern Democratic brethren, *you* saved the country at last; you saved the Union in the hour of its peril — not the Republican party!"

The audacity of this declaration is unequalled in the oratory of ancient or modern times. If Danton's definition of oratory and leadership be correct, "*L'audace, l'audace, et toujours l'audace*," the Senator from Georgia, in one sentence, made Cicero a babbler and Demosthenes a clown; made Cæsar a camp-follower and Napoleon a sutler.

Let us make every concession that is consistent with truth; let us state the case at its best for the Democratic party of the North; let us admit that war was inevitable—that it was a conflict of moral forces, old as time, strong as death, for which statesmanship had no solution, peace no arbitrament. If when war could no longer be postponed, was not a thing to be dreaded but to be met, if then the Democratic party of the North had made one authoritative declaration for the maintenance of the Union, the war would have been short and decisive. Virginia, North Carolina, Tennessee, and Arkansas might have been saved from the Confederacy. It would not have been necessary to hold Maryland, Kentucky, and Missouri by force of arms. The war would have filled but a few pages of history. At that crisis, when every instinct of patriotism called aloud for action, the Democratic party of the North, as a party, at best, stood with folded arms and dumb lips. Silence then is an accuser now. For the long continuance of the war; for chapters, volumes of desolation; for hecatombs of heroic lives, history will hold that party responsible. The stain of blood is on its hands so deep, not the ocean of time can wash it out. It would "the multitudinous seas incarnadine, making the green ones red."

On the 4th of July, 1861, Congress was convened in extraordinary session. It was in the midst of war. The proclamation of the President calling on the militia of the States for seventy-five thousand troops had been answered by the Democratic

Governors of Maryland, Virginia, Kentucky, Tennessee, and Missouri with denial, contumely, and insult. Massachusetts troops had been murdered in the streets of Baltimore while marching to the National Capital for its protection.

Many seats in both Houses of Congress were vacant. Three weeks after Congress convened the battle of Bull Run was fought and lost, and the sombre days were upon us. Members and Senators were leaving their places, preparing to cast their lots with their States, or to urge their States to cast their lots with them in the ranks of rebellion. Some, no doubt, left in sorrow, some in anger, but all with defiance. Baker, in the fervor of oratory, denounced a speech of Breckenridge as "polished treason," and asked "what would have been done with a Roman Senator who had made a speech in the Roman Senate so full of encouragement to the enemy, when Hannibal was encamped before the walls of the city, as the rebels were about Washington?" Fessenden, from his seat, murmured through clenched lips: "He would have been hurled from the Tarpian rock." Breckenridge left the Senate to drag Kentucky into rebellion; Baker, to meet death at Ball's Bluff.

Oh, voice of Genius! Oh, lips touched with the live coal from the altar of freedom, too early hushed—too early closed in death! Oh, martyr of Liberty and Union, would thou couldst have lived to witness the fruition of thy teachings, the garnered results of thy inspiration and heroism!

In this stormy session Broderick was not in the Senate. The term for which he was chosen had not expired, but the seat to which he had been chosen was filled by another. Would he had been there! I can fancy him rising from his seat and saying: "Some of the seats in this Chamber are vacant, and others will be vacant soon. Some Senators remain because they can serve the rebellion here better than elsewhere. Gentlemen, stand not upon the order of your going, but go at once. An open enemy is better than a deceitful friend. You took part in an election and will not abide the result. That is infamous! I have no need to parse the Constitution to tell me I have a Country. I need not go to State trials for a definition of treason. Go, gentlemen! Your conspiracy may succeed—for I know not what vial of wrath heaven may have in store for mankind—but if you do succeed in overthrowing the Republic, you shall perish in its ruins."

No, he was not there. He is not here, but I can almost see his stalwart form, clad in the cerements of the grave, stalking before me, pointing with slow, unmoving finger at the Democratic electoral ticket of California, and I am filled with wonder that any friend or follower of his can dare to vote *that* ticket in the solemn presence of the past. Against *that* ticket, contrived as though to insult his memory and "justify the deep damnation of his taking off," "his form and cause conjoined, preaching to stones would make them capable."

The war went on for weary months and years. Its murky clouds were seldom illumined for us save when victory flashed from the sword of Grant.

The Democratic party had utterly failed to meet the question of union or disunion. There came another time of trial. It had another great opportunity to redeem its past. There came a time when the exigencies of war demanded the emancipation of the slaves. The choice was between emancipation and victory, slavery and defeat. The word was spoken—the bond were made free.

As a mere war measure the proclamation of emancipation was more than the sword of Gideon, more than the sword of Michael. It was the sword of Truth from the armory of the God of Justice. But it was far more than a war measure. It concerned universal humanity and all time to come. It was one of the great events of history. As we recede from it in the perspective of the ages, it will rise above the Pyramids, above the Himalayas, above the stars. Then the clock of time struck twelve. Then, if ever, "the morning stars sang together and the sons of God shouted for joy."

In this jubilee of humanity there was one note discord—one voice of lamentation. To the Democratic party the light was darkness. No wonder that in its councils the war was a failure. What to it was the Union without slavery?

In this great chapter of events which makes our age heroic, I ask what patriotic act or utterance can rightfully be ascribed to the Democratic party? There were Democrats who were patriots, but their patriotism found voice and action outside the party. The more they were patriots the less they were Democrats.

Why go back? How can the spirit, tendency of a party, its moral force, direction, and purpose be judged but by its history? These are not changed in an hour by resolution, or by setting up a figure-head for office. I charge that the Democratic party has been false to the Union, false to freedom, false to humanity. Its claim to administer the Government, which it was willing to abandon or eager to destroy, is monstrous—a satire on patriotism, reason, and sense. Nothing in its life would become it like the leaving of it.

Why go back? The Democratic party itself gives the challenge. It pleads no

baby act—invites no statute of limitations. It comes into this canvass flaunting its traditions, proud of its identity. It appeals to its followers as "The gel-orious old Democratic party!" The distinguished gentleman who presided at its late National Convention congratulated that body because it contained so many men who were in the Convention of '56 which nominated James Buchanan, and took hope that the party would again succeed, and restore the administration of the Government to Democratic principles. Think of that! The administration of the Government of the United States brought back to the point where James Buchanan left it! A local orator recently asserted in San Francisco, that the present political canvass was a Democratic uprising to reconquer the ground that had been lost in the past twenty years. Think of that! The ground which the Republican party has conquered in twenty years for stability of government—the supremacy of law—for human liberty and progress, is to be retaken in one charge by the massed Democracy!

There is no occasion to go back to the past. The Democratic party to-day bases its hope of success on the assurance that it will receive the support of every State that joined the Confederacy—a support secured and made certain by the same means which carried their secession. If it ought to succeed, if it deserve success, the preservation of the Union was a blunder, emancipation a crime, the war for the Union gigantic murder, and the Republican party a monster of iniquity. It will not succeed; the stars in their courses fight against it; the time has not come when the American people will concede that on those great questions of government, humanity, liberty, which in our generation were championed on the one hand by Abraham Lincoln, and on the other by Jefferson Davis, the right is in doubt. They are not questions of a day or an age, but of all time. They are a part of a conflict which in some form is old as history. It has come down by the pyramids of the Nile, by the fountains of Judea, by the temples of Greece, by the amphitheaters of Rome, by the schools of the Middle Ages, by the palaces and cities of modern art; and it will continue in some form until the right shall be overthrown or established,—until anarchy shall come down like night, or liberty and order shall become the peaceful heritage of all the nations of the whole earth.

An Incident in the Military Life of General Garfield.

While Garfield was in camp, after the battle of Shiloh, a trifling incident occurred, which showed the effects of his anti-slavery education. I give the narrative as it is related by a member of his staff, but I have heard the General vouch for its correctness.

"One day," says the officer, "I noticed a fugitive slave come rushing into camp with a bloody head, and greatly frightened. He had only passed my tent a moment when a regular bully of a fellow came riding up, and with a volley of oaths began to ask after his 'nigger.' General Garfield was not present, and he passed on to the division commander.

"This division commander was a sympathizer with the theory that fugitives should be returned to their masters, and that Union soldiers should be made the instruments for returning them. He accordingly wrote a mandatory order to General Garfield, in whose command the negro was supposed to be hiding, telling him to hunt out and deliver over the property of the outraged citizen. I stated the case as fully as I could to General Garfield before handing him the order, but did not color my statement in any way. He took the order, and deliberately wrote on it the following indorsement:

"'I respectfully, but positively, decline to allow my command to search for, or deliver up, any fugitive slaves. I conceive that they are here for quite another purpose. The command is open, and no obstacles will be placed in the way of the search.'

"I read the indorsement, and was alarmed. I expected that, if it was returned, the result would be that the General would be court-martialed. I told him my fears. He simply replied, 'The matter may as well be tested first as last. Right is right, and I do not propose to mince matters at all. My soldiers are here for far other purposes than hunting and returning fugitive slaves. My people, on the Western Reserve of Ohio, did not send my boys and myself down here to do that kind of business, and they will back me up in my action.' He would not alter the indorsement and the order was returned. Nothing ever came of the matter further."

This was the first instance in which a Union officer refused to return a fugitive slave. The principle of Garfield's action was soon afterwards embodied in a general order, and thus received the indorsement of the War Department.—*From Life of General Garfield, by Edmund Kirke.*

6

SPEECH

..... OF .....

HON. NEWTON BOOTH

Delivered at Union Hall, San Francisco,

..... ON .....

TUESDAY EVENING, JULY 20TH, 1875.

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HEADQUARTERS STATE CENTRAL COMMITTEE,

PEOPLE'S INDEPENDENT PARTY.

No. 34 KEARNY STREET, SAN FRANCISCO.

SAMUEL COWLES, Chairman.

J. M. CURRIER, Secretary.

SPEECH OF SENATOR BOOTH.

Mr. President and Fellow Citizens—A bolder man than I am might wel stand awe-struck in the presence of this vast audience and conscious of so much expectation. It seems to me that I can feel to-night the signal of the popular approval to the cause which has convened us.

The representatives of the People's Independent Party have met in Convention, and their work is presented to the people for approval or rejection.

Whatever else may be said of it, it cannot be said that its declaration of principles is not clear and explicit, and its candidates are not widely known. Its platform surprised no one—is not a trap to catch votes, but is the sincere expression of the body of doctrine on which the party is founded.

At the head of its ticket is the name of John Bidwell, a man who came to California thirty-four years ago, and has lived here ever since. In that time he has committed two very grave offences. In 1867 he was the most acceptable candidate of his party for the office of Governor; he refused to abate one jot or tittle of his manly integrity, to trade, traffic and barter his way to nomination, and of course in the eyes of village, cross-roads and ward politicians he is a political incompetent. In 1875 he is a candidate for Governor, in obedience to a very general but popular sentiment, without the seal of approval of the men who claim the right to make and unmake Governors as their personal prerogative. These are offences which the people may condone—the village, the ward and cross-road politician and the California Warwicks, never. He must be judged and punished. Unroof his house, let in the light of meridian sun upon his private life, track him like a sleuth hound for the thirty-four years in which he has seen California develope from a waste into what it is; see if you cannot discover some idiosyncracy of manner, some fault or error. It may be that he is not absolutely perfect, as his traducers are. If you wish perfection, you will not find it among the people, but must seek it among those who make politics a trade. But tried by any human standard, I dare avouch that John Bidwell will be found a man true to his convictions, honest in his purposes, open in his dealings and charitable in his judgments. He has not sought popularity by art, he enjoys it only as a tribute to his character.

But I am not here to eulogize any man, or to vindicate him against aspersions, however unjust. If this movement is not far above any personal considerations, it has no value or significance worth your attendance here here to-night. I believe this people are tired and disgusted with that kind of party warfare, offensive indeed, because it is offensive to common decency and intelligence—tired of that servtude to party leadership, which is animated only by selfishness, and which regards the possession of the machinery of government of more importance than the objects it was devised to accomplish.

In view of this, its leading idea, I ask your attention to some of the reasons why the People's Independent Party should commend itself to your favor and support.

A PROTEST AGAINST PARTY TYRANNY.

First. It is a protest against the tyranny of party discipline, and a proclamation of the sacredness of individual liberty. It is the first political party to announce that none of its members owe it allegiance, except as it does right, and of this the judgment and conscience of each must decide. It carries no party lash, or political thumb-screw.

It affirms that it is the right of every man to participate in good faith and honest intention in its counsels, but that no jugglery, no *coup d'etat* shall control his action to the support or sanction of a wrong. It abjures the old test of canonization, "I never scratched a name, crossed a *t*, or dotted an *i*, in a party ticket." It is an association where honorable men may honorably act together for a common object, without a slavish abandonment of the right of private judgment. For years it has been the fixed habit of both political parties to appeal to the people, while constantly asserting that all the people belong to one party or the other—which it was treason to desert. Thus each was arraigning the other before a tribunal which both maintained did not exist. That tribunal however, which really does exist in free thought and independent opinion, the People's Independent Party desires to convert into a political power which shall regard the rights and interests of the people, not as the foot-ball of contending factions, but as the real object of government. It invites the coöperation of all who concur in its general purpose, who are tired of the thraldom of party discipline and would like to throw off the yoke, without renouncing any of the rights or duties of an American citizen.

In thus publicly proclaiming that individual liberty and the right of private judgment are superior to its organization, or to any party organization, in leaving the consciences of its members absolutely free to pursue the right, as they severally see the right, we believe it presents a valid claim to the support of all who place a higher value upon liberty and conscience than upon party fealty and success. It may be asked why this cannot be attained simply by independent voting, without concert of action at all. The answer is, that the man who stands absolutely aloof from all organization whatever can exercise only a silent influence at best. The time has come when the active political influence of all good citizens is demanded in the interest of good government.

Second. It is one of the leading objects of the People's Independent Party to make the theory of local self-government a substantial fact.

OPPOSED TO CENTRALIZATION.

Whoever has intelligently watched the current of events for the past few years can hardly have failed to observe a strong and increasing tendency towards a centralization of political power and influence, which, if not checked, will become as fatal to local good government and individual freedom, as the theory of the right of secession would be to national unity. The open form of this tendency is not its most dangerous form. If an officer of the army should decide who were and who were not members of

our Legislature; if a United States Marshal should decide who were entitled to vote, and how certain persons would have voted if they had voted, these would be open acts which would excite popular indignation, and find their own correctives. But if through the use of Federal patronage and distribution of appointments, conventions can be controlled, then the machinery of State and local government may be as effectually managed at Washington, as though it were accomplished by open force. The vastly increased Federal patronage makes its use, for any but the strictest purposes of government, dangerous not only to local self-government, but to all good government. And, if the possession of the Federal government, with its powers and patronage, is to be made the great object of every political contest—local or national —and the people are imbued with the spirit of this idea, we have practical centralization, all the more dangerous because it has the popular assent. The Democratic party, always an advocate, in theory, for State rights and local government, has been even more at fault in this than the Republican, as its discipline has been more strict. How can we have intelligent local government, if every local election is to be regarded simply as a part of a great national campaign? if we are to obey instructions, always stand in line or follow a party leader; and because a Presidential election is coming off after a while—it is never more than four years distant—any one who breaks ranks must be shot? It was natural that this idea should obtain during the civil war, when national questions were all absorbing, and the fate of the nation the subject nearest to every heart. But in time of peace I submit that it is subversive of the true principles of local government, which are the real foundations of national greatness. We cannot carry the principles and policy of peace into war, and we ought not to bring the spirit and policy of war into peace. The election of a Board of Supervisors or a city Assessor may be—probably will be—in the next four years a matter of more practical importance to you in the daily walks and business of life, than that of President. Separate them, and you can decide both intelligently; unite them, and sink your private judgment in blind partisanship, and it is all a matter of chance and accident.

The People's Independent Party hold and believe that the American people constitute one nation, whose unity, baptized in blood, is sealed to all the future; that its glory is not in any splendor of equipment or concentration of power; that its General Government can best be buttressed and strengthened by the proper administration of local affairs by local communities; that the true sources of its greatness are in the intelligence, industry and morality of its citizens—its best safeguard in their willing affections.

THE AGGRESSIONS OF GREAT CORPORATIONS.

Third. The party addresses itself to the consideration of living questions of pressing and immediate importance. It recognizes the truth, and makes it the guiding principle of its political action, that the people do own this Government, and should control all its departments—national, State, and local—for their common benefit, and not in the interest of rings, schemes, aggregated capital, or great corporations, that this shall be truly a Government "of the people, by the people, for the people." We have passed the great danger which threatened our national unity, to confront another which

threatens to canker our social and political well being. The question of the effect upon our political system of vast accumulations of wealth, the increasing disparity—the widening gulf—between the rich and the poor, and of great corporations, with perpetual succession, is comparatively a new one in our history. Jefferson and Jackson foresaw it, but it confronts us now with startling reality. I know that whoever discusses or refers to this question is accused of agrarianism, socialism, communism, demagogism, and all the other isms which are considered bad. But it is a question that cannot be sneered out of existence. It will not down at any man's bidding. "The rich do grow richer, and the poor poorer; cunning idleness does eat the bread of honest industry!" the powerful can avail themselves of facilities of law to become more powerful. Somebody once said that there was but one security against Vanderbilt's owning everything—the certainty that he would die, and suggested that as one of the compensations of mortality; but a corporation may be a Vanderbilt endowed with immortality. And if it is to be hereafter held to be the law that conditions imposed upon corporations may be removed, but that privileges granted are in the nature of a contract, and not repealable, we had much better have Vanderbilt—unless, indeed, he could incorporate himhimself.

There is a rapidity in the growth and expansion of corporations which is quite startling, if you will stop to think about it. A few years ago a corporation was formed to use the waters of a spring for supplying the city. The object was a good one, the beginning small. Now that corporation owns, or claims to own, pretty much all the water available for the supply of the city; its charges are limited only by the ability of the consumer to pay, and it estimates its property, rights and privileges, for the purposes of a sale to the city, at from $15,000,000 to $20,000,000, and hopes to be in a position to dictate terms of sale. I am not criticising the men who originated this corporation, nor those who have put their money in its stock at the market price as a legitimate investment, but that scheme of law or policy which makes a monopoly of water possible, and that kind of politics which may give a corporation the control of a municipal government. A gas company gets the right to lay its pipes in your streets. In a very short time, by the accumulations of its profits, it is able to prevent all competition; it can fix its own rates, and, while paying dividends on $8,000,000, it will pay taxes on one-sixteenth of that sum, with a cheerfulness that is refreshing. You can see, from these instances, what an immediate and direct interest local corporations have in controlling local governments, and how easily they may obtain this control, if you elect local officers simply with a view to a Presidential election and the distribution of Federal patronage.

THE MODERN DRAGON.

Less than fifteen years ago two corporations were formed for the purpose of building a railroad from the Mississippi to the Pacific. The project had been discussed for years. Its accomplishment was regarded as a national triumph. There was a charm about the magnitude of the undertaking. It was a road that was to cross wilderness, desert and mountains, weld the continent and wed the seas. The Government was in the midst of a war, and its operations and expenditures were upon a gigantic scale. There was lit-

tle time or disposition to criticise a bill in details which promised magnificent results; loans of credit and grants of lands were made with a munificence which seems imperial in the prosy times of peace. The corporations represented very little capital of their own, but very great executive ability and an immense capacity to receive. In less than twelve years from the time the first shovel of earth is turned, these corporations own the transcontinental railway, tracts of land which would make an empire, the steamship communication between New York and San Francisco, and between San Francisco and China, and all the principal lines of transportation by rail and water in California. Without local competition, at any time powerful enough to crush competition, now they can fix their own rates, discriminate between places, between individuals, build up or destroy, reward or punish. By getting control of the Pacific Mail Steamship Company, they remove through competition, and their increased profits from the advance on the through freight, which is paid by the people of the State, would support the common schools of the State—a tax levied at the sovereign will of the companies themselves. Their net income for the single year 1873 from the transcontinental road alone, and before the increased tariff, was $12,886,-793.28. This must be increased to at least $20,000,000. Yet, under a technical construction of law, they can successfully refuse to pay interest on the Government loan, until now the arrearage amounts to $19,294,122.40. They refuse to pay the one-twentieth of their net earnings to the United States, as a sinking fund for the redemption of the bonds issued for their benefit—bonds which will amount, principal and interest, to more than one hundred millions of dollars, to be paid by the people. Enjoying all this, they resist the payment of their taxes by every means which legal ingenuity can devise.

Think for a moment of the vast interests and power concentrated in so few hands—the railroads across the continent; the lines of interior communication by land and water in California; the steamship line between New York and San Francisco; that between San Francisco and China. All this obtained within twelve years! When and where else would it have been possible? And *how* obtained? The Credit Mobilier, the Contract and Finance Company, the Pacific Mail bribery, are only incidents of its history. Regarded only in a social aspect, are the facts not startling? When you reflect that government is but the effect and representative of the forces of society, is there not an alarming political significance in all this? "Out of politics!" When did power neglect opportunity? They mean in their hearts that they are above the law. They mean in policy to run the political railroad underground. They mean, in fact, "when the lion's skin is too short, to eke it out with the fox's." Is not the relation of corporations to the government, and their influence upon it in all departments, a living question before the American people? Is the revenue under consideration? The manufacturing corporation asks Congress to legislate a profit into its business by a protective duty. Is finance the subject of discussion? The National Banks insist upon supplying the people with currency. Great railroads absorb the small, combine, dictate terms, and rival the Government itself in power and patronage.

HOW THE MONSTER MAY BE CRUSHED.

But the remedy. There may be none immediate, effective, radical. In politics as in medicine, we are apt to trust too much to specifics, too little to general treatment. The general treatment should begin. The evil should be stopped. I know of no better means than the organization of a party which shall represent the people, and stand at all times against the demands of special interests, which shall recognize that "when rights are protected, interests can take care of themselves." I know of no better means than by bringing the people together who think this, that the moral weight of their numbers may be felt as a political power. Take party platforms. How nearly they read alike. But for some references to the past, and the use of party names, you would have to look at the head lines to see which is which. The Minnesota Republicans and Wisconsin Democrats might exchange platforms in the dark, and not be conscious of the metamorphosis. The Ohio Democrat is for soft money, and the New England Republican is for hard money. The Pennsylvania Democrat is a protectionist, and the California Republican is (I guess he is—he ought to be) a free trader. Under this confusion of terms, selfishness alone is consistent, and moves to the accomplishment of its purpose. As everybody is for the people, how will it answer for the people this year to be for themselves? The experiment is worth trying, for its novelty at least. Let all who do wish substantially the same thing stop calling each other names and quarreling about terms, and face the common enemy.

The great value of an election is in its moral significance—the idea it expresses. The platforms of the three parties may be substantially alike. It may be only a question of sincerity. One may be the letter which kills, another the spirit which makes alive. Let the Democratic or Republican ticket succeed at the next election, and it will be a mere party triumph, in which every corporation that desires to aggrandize itself at the expense of the people will have its share of rejoicing. The success of the People's Independent Party will be a triumph of principle; it will be hailed by the people everywhere as their victory, and its moral weight and influence will be worth infinitely more than any specific measures that can be devised.

AN APPROPRIATE AND HUMOROUS STORY.

Carlyle, in his "French Revolution," gives an amusing description of a cartoon of that period. A farmer had called the chickens of the farm-yard around him and addressed them in the most paternal and friendly manner: "My dear, good chickens, I have called you together to ask you in what kind of sauce you would like to be cooked."

"But," exclaimed an old rooster, the patriarch of the barn-yard, "master, we don't want to be cooked at all."

"You wander from the subject, my dear chickens," replied the farmer, "the question is simply *how* will you be cooked."

For some years the railroad and its allies in the various schemes and rings have been in the habit of convening about them the people of this State in different counties, and asking them how they will be cooked—whether with Republican or Democratic sauce. It is rather a hard conundrum. I think this is a good year for a successful barn-yard rebellion, and an active determination not to be cooked at all.

Of course, old party leaders, and all who hope to obtain office through old organizations, object to a general union of the people, and an obliteration of old party lines. The Republican candidate for Governor objects, because he says the financial management of the State government has been extravagant, and he alone is capable of reforming it. I am not here to apologize for, or defend, any extravagance or mistakes. Something is due to the truth of history. Under our system of government, the Governor is not, as Mr. Phelps seems to imply, a kind of viceroy who determines just how much money shall be expended, and what for. That rightly belongs to the representatives of the people assembled in the Legislature. The Governor can not, as he can in New York and some other States, veto items in an appropriation bill. The general appropriation bill comes to him on the last night of the session, and he must sign it or stop the wheels of the government. Mr. Phelps will not have an opportunity to learn these facts by experience, and I volunteer the information. The Independents have never had control of any Legislature, or any representation distinctively in any until the last; and all the appropriations up to July 1st, 1874, were made before that time. I shall have something to say hereafter as to how they exercised the power they had. It is due, however, to all who have had any connection with the finances of the State in a legislative or any other capacity, to say that the expenses have been large, not from any misapplication of money under any administration, but from a desire, in which the people have also shared, which is in fact only a reflection of their disposition, to do in a few years what it has taken others a great many to accomplish. We have almost extemporized a system, which elsewhere has been of slow growth, and we have not gone in debt. Our State Capitol, buildings for the Insane, for the University and the Normal School, are among the best in the United States. Whether this be a subject of pride or criticism, they were all planned before the Independent party had an organization in the State. Our insane and criminal population are exceptionally large, and for many years the State has contributed to the support of the orphans. No State in the Union, in proportion to wealth and population, contributes so much, by a State tax, to the support of common schools as ours. Connecticut, which has one of the best school systems in the Union, and about the same population as California, appropriates from Treasury about $200,000 for Common Schools; California over $1,100,000, more than five times as much. But Connecticut, being a densely populated State, each district can support its own schools, while in the sparsely settled districts of California they cannot be maintained without liberal aid from the State. But this is all lumped in, in a general charge of mismanagement.

The appropriations for the year ending June 30th, 1874, were made by the Legislature of 1871–2. They were increased by the finishing of the State building of the Normal School, the buildings of the State University, the Insane Asylum at Napa, and the completion of the State Capitol.

I am glad to see discussion upon the necessary cost of government. It might be extended with advantage to Mints, Custom Houses, etc., under present and former administrations. I have not heard that Mr. Phelps con-

sidered his pay too large when he received $8,000 and a share of the forfeitures as Collector of Customs, though he thinks $50 per month extravagant for a guard at the Prison.

MR. PHELPS ANSWERED.

An examination will show that the reports of State officers, as a rule, carefully segregate and classify the various items of State expenditures. The trouble is that such reports are studied neither by the people nor their representatives; and executive officers are blindly charged with results of legislation they did not create and were powerless to prevent. Most men grumble at paying taxes. It is well they should. It is a wholesome restraint upon the extravagance of government. It is only to be objected to when it takes the questionable shape of owning the Assessor, and shifts the burden from the shoulders of the strong to those of the weak, who are not able to own an Assessor. Mr. Phelps' figures may answer for a campaign speech, but are not accurate enough to secure him a position as an accountant. For instance, in his first financial address he omitted to deduct, amongst other items, one of $334,500 for bonds purchased in 1873. When his attention is called to it, he explains like a gentleman that his eye did not fall upon it. Then, in making his statement for 1874, he includes an item of $180,000, of precisely the same kind. In stating that $835,000 had been expended under my administration on the State Capitol, it would have been fair to add that $425,000 of that amount was for payment of a debt already existing against the building. For purposes of making an unfavorable comparison, he states the annual expenses of Pennsylvania at $1,077,843. The Governor of Pennsylvania in his last message states that the ordinary expenses for the year ending November 30th, 1874, were $3,946,126.62, and calls attention to the fact that the revenue of that State for the preceding year was but $5,871,968.27, and states that without the most rigid economy it will be insufficient. For the same purpose Mr. Phelps calls the expenses of Ohio $1,826,645. The Governor of Ohio says in his last message the disbursements for 1874 were $5,559,022; deducting the $1,138,175 paid on the public debt, the cost of government is $4,420,846. I have not the time, nor you the patience, to go through the whole table. Extravagance in one State is no excuse for another; but when a comparison is made, it ought at least to be accurate.

California contains an area equal to that of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, one more Connecticut and one Rhode Island added, and thirteen square miles over. Whoever asserts that her Government can be reasonably administered, schools supported, Courts maintained, as cheaply as that of Connecticut, the population being about equal, deceives himself or attempts to deceive you. The annual expenses of the State of Connecticut, taking the the reports of 1873 as the basis, are $1,175,-567.88, and not $223,004, as represented by Mr. Phelps, and this in face of the fact that the appropriations from her State treasury for educational purposes are less than ours by more than a million of dollars. Our expenses are too large; they can be reduced by intelligent criticism, not by mere fault-finding. The machinery of our Government should be simplified; we do too much law-making—build on too extravagant a scale. The reform of all this

rests with the representatives of the people. By careful attention to details, they may be able to give generously, as they now do, to the support of common schools—the nurture of freemen; to shelter the insane; to give such poor sight and hearing as art can bestow to the blind and deaf, and find it more humane, and eventually cheaper, to assist in caring for the orphans than to abandon them to the chances of private charity and a street education. These unfortunates suffer for no fault of their own—no one will be willing to "drown them to save their board."

THE WORK OF THE INDEPENDENTS.

A start, at least, has been made in the right direction. The office of State Printer, long a fruitful source of evil in our politics, and of extravagant expenditure, will cease with term of present incumbent. The last Legislature converted the "Gevernor's Mansion" into a State Armory and Public Printing Office, and showed a disposition to keep house upon a smaller scale. In that Legislature the Independents had a small majority in the Assembly, and eight members of the Sanate. The contingent expenses of the Legislature were reduced from $93,059.03 in 1871-2, to $46,830.02 in 1873-4. Assembly Bill No. 1, introduced by Mr. Freeman, was to reduce salaries. It passed the Assembly, but failed in the Senate. The Assembly passed an irrigation bill, the object of which was to provide a general system, and to give to farmers the control of the waters necessary to their lands. It failed in the Senate. The Assembly passed the following bills on the subject of transportation, all of which failed in the Senate:

"The Freeman bill," to regulate freights and fares.

A bill to prevent discrimination in freights and fares.

A bill to create a Board of Transportation Commissioners. To prevent and punish extortion and discrimination.

A bill to prevent unjust discrimination by railroad and other transportation companies in rates charged for transportation of passengers, and to make rates of freight and fare uniform.

An Act to regulate freights on railroads when shipped by the car load.

The Freeman bill has recently been described by Mr. Irwin as a monstrosity. Such language has often been used concerning it by men who denied the power or capacity of the Legislature to legislate upon the subject, but never before, I think, by any one who conceded both. It never contained a "monstrosity" like making it a penal offence to transfer a railroad ticket. It was before the Senate long enough for amendment. It did not attempt to classify freights on the basis of the value of goods transported, but fixed a fair maximum. So much time was consumed in "classification" in the Irwin bill that it was not put upon its passage in the Senate until two days before adjournment, and it was lost.

The appropriations for common schools by direct tax were $240,000 for the year ending June 30, 1873, and the same amount for the year ending June 30, 1874. The Legislature increased this to $1,100,000 for the year ending June 30, 1875, and $1,130,000 for the succeeding year.

But for this, the rate of State tax would have been less than ever before. The relief to the school districts, however, is far greater than the increase to the State, as the collection of school district taxes, except in cities under

the provisions of our Constitution, is almost impracticable from its expense. Under this Act every school district may have a school eight months in the year, and the aggregate tax is little, if any, increased—the wealthy and populous districts paying more than before, the poor and sparsely settled less.

The representatives of the People's Independent party, as a body, faithfully represented the interests of the whole people. They did not accomplish more because they did not have a controlling power. I do not expect the millennium to be inaugurated by Act of Legislature, or that all the ills of time and circumstance can be cured by Government. The living question to day is: Shall this Government be republican in spirit as well as in form, and truly embody the ideas and sentiments of the people who support it?

THE PARTY OF RECONCILIATION.

Finally, the Independent party commends itself to popular favor, because it affords a common ground upon which all can meet who desire to forget the animosities and heart-burnings engendered by the civil war. It cannot expect the support of any Democrat who believes that the adherents of the lost cause will ever again rally under the stars and bars, or of any Republican who fears "the next gale which sweeps from the *South* will bring to our ears the clash of resounding arms." But it does commend itself to all who accept the fact of hisfory as conclusive, who believe with Vice-President Wilson: that the rebellion was the inevitable result of conflicting institutions and forces, that it is over, and that peace should be as sun-bright in its glory as the war was terrible in its darkness; that the reconciliation should be cordial as the conflict was awful.

To accomplish this is the work, not of politicians and statesmen, not of President and Congress, but of the American people. The wound heals slowly that is often chafed. That would be a divine moment in our history which should strike down every party tie and party name which perpetuates a war memory, and brings the people together who are willing to forget, in a solid and impenetrable phalanx. "The American people was the real hero of the war," and must also be the apostle of peace and reunion. Why should they not come together? Sumner would remove the names of battles from flags, because they were remembrances of civil war—why can we not take the names from our political banners, which are also reminders? The Vice-President journeys through the South everywhere, received by all classes with respect and kindness due to his age, character, and position. Fitzhugh Lee goes to Boston, and is met with the fervor of hospitality, by the men he met in arms. It may be well to sneer at this as sentimental gush. I prefer to believe it the spontaneous outpouring of reconciled friendship—of that spirit which is as sincere in the fellowship of peace as in the struggle of war. It is the spirit which animates this people, and manifests itself upon every occasion. The Centennial Commissioners appoint Adams of Massachusetts and Lamar of Mississippi orators; Sherman, who marched to the sea, and Johnston, his great antagonist, as Grand Marshal and Master of Ceremonies—and all the people approve. The blue and the gray commingle at the graves of their dead comrades. There comes a time when the instinct of sentiment is a truer guide than cold philosophy or calculating prudence. Is this a time to hunt up every act of lawlessness and outrage that has occurred for years

in States whose civil, social and political institutions have been broken down, and frame them into an indictment against the people? Is this an hour when we should forget fraternal peace in the memory of fratricidal strife?

But they tell us a great many rebel generals have been elected to the next Congress. Why should they not be? When the Government amnestied them, did it mean to say, "We restore your rights, but you shall never enjoy them?" When they take their seats in Congress, it will be with an oath to support the Constitution of the United States. I do not believe that the men who are willing to die for their convictions will be most ready to perjure themselves for place. Parties are but necessary evils. There are great moments in a nation's life when the times should rise above them. Why may not the true spirit of the people have way? This is the Centenial year. Let it be a "year of jubilee." Before us is a grand outlook of history. Who shall estimate the power and population of this country at the close of the century now dawning, if we the people are equal to the divine opportunity? Who knows what trials may await us, what temptations may beset? Let us challenge destiny as one people. Let us have the only union which can be permanent—a union of hearts. Let the true feeling of the hour find genuine expression unrestrained; and reconstruction will come—not by legal enactment, not by force bills or writs of law, but in the hearts of the people, like the dawning of day, like the breath of the morning, like the Spirit of the Lord.

Following is an extract from the Message of John F. Hartranft, Governor of Pennsylvania, January 5th, 1875:

"The brief statement of the finances herewith submitted, is made to embrace the details of most interest:

RECEIPTS

DURING FISCAL YEAR ENDING NOVEMBER 30TH, 1874.

Balance in Treasury, November 30, 1873,	$1,835,151.24
Receipts,	5,871,968.27
Total,	$7,697,119.51

DISBURSEMENTS

DURING FISCAL YEAR ENDING NOVEMBER 30TH, 1874.

Ordinary Expenses,	$3,946,126.62
Loans redeemed	1,230,166.90
Interest paid on loans	1,466,274.34
Total	$6,642,567.86

"During the fiscal year ending November 30, 1873, the receipts of the Treasury amounted to $7,076,723.20. It will be observed that in the past year the revenues have sensibly diminished, and the receipts were only $5,871,968.27."

"With this reduction of the revenue, and with an increased expenditure of perhaps $500,000, made necessary by the new constituton in the additional outlay for schools, Legislature and judiciary, it is manifest that the severest economy must be observed in all the departments of the government, and the appropriations considerately and wisely made, or the State will be unable to meet its obligations under the existing tax laws."

Following is an extract from the message of William Allen, Governor of Ohio, August 31, 1874:

"The Auditor of State estimates the receipts, including balance on hand November 15, 1874, for the current year from all sources, as follows:

Revenue Fund	$1,046,732.22
Asylum Fund	1,839,428.87
Sinking Fund	1,752,739 90
School Fund	1,707,127.82
National Road Fund	18,000.00
Total estimated receipts	$6,364,028.81

The disbursements at—

From Revenue Fund	$ 795,422.41
From Asylum Fund	2,007,424.64
From Sinking Fund	1,138,175.00
From School Fund	1,600,000.00
From National Road Fund	18,000.00
Total disbursements	$5,559,022.05

Following is an extract from *Appleton's American Cyclopedia*, Volume 5, page 257:

"The expenditures of the State of Connecticut during the year ending April 1st, 1873, were as follows:

EXPENDITURES.

General Assembly	$ 97,276.18
Salaries	65,650.00
Judicial Expenses	146,823.24
State Paupers	3,416.50
Board of Education	8,935.61
Directors of State Prison	600.00
Public Buildings, etc	89,117.60
Families of Volunteers	108,448.85
Advnaces to Quartermaster General	56,000.00
Advances to Paymaster General	43,000.00
Advances to Adjutant General	8,000.00
Miscellaneous Acc'ts, including Common & Normal Schools, &c.	362,426.53
	$1,175,567.88

STATE TICKET,

PEOPLE'S INDEPENDENT PARTY.

Election, Wednesday, September 1st, 1875.

For Governor.....JOHN BIDWELL,
OF BUTTE.

For Lt. Governor.....ROMUALDO PACHECO,
OF SAN LUIS OBISPO.

For Secretary of State.....WILLIAM ROUSH,
OF PLACER.

For Controller.....LAUREN E. CRANE,
OF SIERRA.

For Treasurer.....FERDINAND BAEHR,
OF SAN FRANCISCO.

For Attorney General.....PETER VAN CLIEF,
OF YUBA.

For Surveyor General.....EDWARD TWITCHELL,
OF SACRAMENTO.

For Clerk of Supreme Court.....PAUL MORRILL,
OF SACRAMENTO.

FOR MEMBERS OF CONGRESS:

1st District.....JOHN F. SWIFT.
2d District.....CHAS. A. TUTTLE.
3d District.....CHAS. F. REED.
4th District.....J. S. THOMPSON.

Judicial Election, October 20th, 1875.

For Supt. of Public Instruction.....J. M. GUINN,
OF LOS ANGELES.

SPEECH

DELIVERED BY

HON. D. C. BRODERICK

AT NEVADA,

ON SATURDAY, JULY 16, 1859.

[REPORTED FOR THE SACRAMENTO UNION.]

The CHAIRMAN—Gentlemen: I have the pleasure of introducing to you the Honorable David C. Broderick.

Three cheers were given.

A VOICE—We all know him. [Great laughter and shouting.]

Mr. BRODERICK said—Mr. Chairman and fellow-citizens: In obedience to the wishes of a number of political and personal friends, who were desirous of having me address the people of this county during the present campaign, I appear before you. Since I addressed the people of Marysville, a copy of a speech purporting to have been delivered at Grass Valley, by Dr. Gwin, has been placed in my hands. This speech I now propose to give a very hasty review, or rather to touch upon some of its mistaken points. This speech seems to be in reply to one made by me, at Placerville, on last Saturday evening. I have had but very little time to examine it, but I must call your attention to certain portions of it. Mr. Gwin says:

> There is no analogy in the positions we occupy before our common constituency. I have no explanations to make for the course I pursued on the Kansas questions, for I simply performed my duty by acting in accordance with the opinions of the party that elected us both to the seats we occupy in the Senate. He is on trial. I am not. He defied the instructions of a Democratic Legislature and appealed to the people, who gave judgment against him. A succeeding Democratic Legislature censured him as a Senator never was censured before, and he now joins issue with them before the people of the State.

Fellow-citizens: I will be able, before I conclude my remarks this evening, to prove to you that the Legislature which instructed me to support the Lecompton Constitution, and the Legislature which instructed me to resign because I did not obey the instructions of the preceding Legislature, behaved towards their Senator as no other body of similar character and authority ever had the ignorant insolence to act. [Cheers —"Talk it out loud."] Again I read:

> The first point on which we differed he asserts to be the reduction of the salaries of Federal officers in this State. As a general statement this is not true. If he had made himself familiar with the subject he would have known that the late Secretary of the Treasury, Mr. Guthrie, framed a bill to reduce the expenses of collecting the revenue of this State, and that it was pending before Congress when I took my seat in the Senate. I was in favor of that bill. The present Secretary of the Treasury prepared a bill still further reducing these expenditures and reducing salaries. I was in favor of that also, and it was supported by every Democrat in the Senate, and only failed to become a law from the difficulty that resulted from the disagreement of the Houses on the Post Office Appropriation Bill.

Now, fellow-citizens, *that is untrue.* There was no bill which passed Congress at its last session reducing the salaries of the Federal office-holders. It is true that a bill was reported from the Committee on Commerce—a unanimous report—reducing the salaries of the Federal office-holders in California, but through some skillful management on the part of those who wished to sustain the old prices, the bill was not taken from the desk of the Senate. Here is another point:

> The salaries of Federal officers in this State were offensive to Mr. Broderick, it seems, from the personal relations which he held toward the occupants. When he had friends, for instance, in the Branch Mint, where I am told he has many devoted friends, I am not aware that he ever made any movement to have their salaries reduced, although they are the best paid employees of the Government in this State.

I do not know that I have any friends holding public office in this State. But this old gentleman seems to have admitted too much here. During five or six years he claimed that he was *the* representative of this State, and that the gentleman who occupied a seat by his side in the Senate, before I was elected to represent you, was governed entirely by his advice. I have taken a course different, in this respect, from that

pursued by my predecessor. ["Good." Great applause.] I have endeavored to represent you to the best of my ability; seeking information from others where and when I deemed proper, but acting as an independent man; certainly I was not entirely governed by Dr. Gwin's advice. ["There's where you were d—n wise, Dave."] If he had had any gratitude in his composition, he would have been anxious to have acted upon such advice as I would give. [Laughter.] Dr. Gwin is "not aware" that I made any movement to secure the reduction of the salaries of the Federal officeholders in the Mint, and with this remark there is a contemptible insinuation in regard to favor for suspected friends of mine in the Mint. Yes, Dr. Gwin's ignorance of my motives or movements furnishes ground for charges against me; and for me to have a friend in the Mint is esteemed an offset, I suppose, for his use of influence to keep up the salaries of attachees in other departments. But the exorbitant salaries of the Custom House officers are "personally offensive" to me. Admit that it is or was so, does that constitute a charge against me, on which I am to be duly tried this campaign? Will any man here say that? Dr. Gwin knows of my "personal relations" towards the Custom House officials, and he regrets to confess that it has come to his ears that I have "devoted friends" in the Mint. What important information he has, and how powerfully he wields it? He is greatly satisfied with the fact that I have enemies in one place, but he spoils his rejoicing by telling to the world, in the same sentence, that I have "devoted friends" in another. Let me hasten to that part of his speech in which he speaks of Lime Point. He said:

Lime Point follows next in his speech, and this is the great gun of his campaign. My action on this question can be told in a few words. A few days after I took my seat in the Senate, I voted, as did every member of the Senate, for the appropriation of $800,000 to purchase a site and continue the fortification of the Bay of San Francisco, and afterwards urged the commencement of the works with the least practicable delay. I wished the harbor to be speedily fortified, to make it as impregnable as Gibraltar, and thus protect us from the danger of attack by any foreign power. I should have been gratified if the site could have been purchased for $5,000, and more so if it could have been purchased for $500, or if it could have been obtained for nothing. Mr. Broderick, in commenting on the proposed purchase of the site, denounced it as "an enormous fraud," and at the next session made the same charge. The charge of fraud involved the purchaser as well as the owner of the property, and on this reiteration of the charge I offered a resolution instructing the Committee on Military Affairs, of which Mr. Broderick was a member, to investigate the subject. The result of that investigation proved that, so far as the officers of the Government were concerned, the charge was absolutely false, and had not the shadow of truth to rest upon. They commenced the negotiation for the site in October, 1855, when the owner demanded $200,000 for the tract he proposed to sell.

Now, fellow citizens, I am able to show that I never did charge upon any Government officer the commission of any fraud in connection with this purchase. I would have been ungrateful if I had done so. I will read to you a letter written by the Secretary of War to Mr. Della Torre, United States District Attorney for the Northern District of California. The letter was written on May the 18th, 1858, immediately after the subject was brought to the attention of the [illegible] by me. It reads:

[The copy of the letter is not at hand [illegible] it stated that the Secretary of War had rel[illegible]ed the idea of purchasing Lime Point on [illegible] of representations made by Senator Bro[illegible]k.]

You will perceive that the Secretary [illegible] War acted promptly in this matter, and theref[illegible]re was no necessity for me to make a c[illegible] of fraud against him or any other membe[illegible] the Executive Department, or any of their [illegible]nts. I will now read the resolution which Dr. Gwin introduced, calling upon Dr. Gwin to investigate this matter.

[A person standing close by the platfo[illegible]rm cried out, "Before you get through, I wish yo[illegible] would state if you were in favor of buying the [illegible]ny Lind theatre in San Francisco? Den[illegible] said last night that you made a great fuss ab[illegible]t the price of a little piece of land, while you l[illegible] ed for giving a large and extravagant p[illegible] for the Jenny Lind Theater in San Francisc[illegible].

MR. BRODERICK—Well, if General Den[illegible] told you that I ever voted for the expenditu[illegible] dollar for the purchase of the Jenny Lin[illegible] ter, he told you a falsehood. [Cheers.]

THE QUESTIONER—The charge was [illegible]rought against you, and I thought I'd like to hea[illegible] you allude to it publicly.

A VOICE—*Sufficient*, ain' it? [Laughter.]

QUESTIONER—O, it's all right now.

MR. BRODERICK—Here is the resolutio[illegible] introduced by Dr. Gwin, calling for an inv[illegible]tion:—

Resolved, That the Committee on Military A[illegible] the Militia be instructed to inquire into the a[illegible] of fraud in the proposed purchase of a site for [illegible]fications upon the North side of the Bay of [illegible]eiseo, and that the said committee be authoriz[illegible] for persons and papers.

It will be seen that Dr. Gwin made no [illegible]tion of the Government officers in his re[illegible], so his solicitude for them is of recent or[illegible] growth, and is probably an expedient. [illegible] of the minority of the committee, mad[illegible] report, which, no doubt, many of you h[illegible] I will read the short majority report s[illegible] by Mr. Davis:

The Committee on Military Affairs and t[illegible] who were instructed by a resolution of the Se[illegible] quire into the allegations of fraud in the pro[illegible] chase of a site for fortifications at Lime Poin[illegible] north side of the bay of San Francisco, have [illegible] me to report that the committee find nothi[illegible] peach the conduct of the agents of the Go[illegible] and that there is no evidence to involve th[illegible] fraud. The committee report the evidence, [illegible] oral, adduced in the course of the investig[illegible] ask to be discharged from the further consi[illegible] the subject, and that the report and tes[illegible] printed.

It is a very curt and strange report, [illegible] evidence which had been adduced [illegible] committee. But I will not take up yo[illegible] reading from the evidence. There are t[illegible] from Mr. Weller which you have all r[illegible] therefore I will not trouble you with [illegible]. There is another paragraph or two in [illegible] to which I wish to draw your particu[illegible] tion:

We did differ radically on the question of [illegible]

...d Mail. I care not whether the El Paso route is one ...e or a thousand miles longer than that by Salt Lake, ... one of the great enterprises of the age, and will ...nfer incalculable benefits upon the State. I intend ... stand by it, and all the Overland routes, to the bit... end. Here is the great issue between Mr. Broderick ...nd myself. He is for one only—that by Salt Lake; ... he stated in debate in the Senate. He said during ... first session of the last Congress that it was an "impossibility" for the mail to be carried over the El Paso route within twenty-five days. The result proves that he was utterly mistaken. As I have said, I am for all the routes, not only as mail routes, but to open up each for settlement, so as to give us many avenues of connection with our brethren on the Atlantic and Gulf coasts. I would multiply them if I could, instead of opposing any one of them.

As to the Placerville route, Mr. Broderick's great affection for it never sprang into existence until after it was established, and he then only took it under his protection to find fault with the Postmaster General for putting it in operation. The very joint resolution that he boasts of getting the Senate to take up after I had failed, did not increase the speed over the time the Postmaster General had by contract the power to enforce its conveyance; it only gave the contractors $49,000 per annum more than they could get under their contract. It was the knowledge of this fact that induced the President to withhold his signature; why did not Mr. Broderick state this in his speech? He should also have stated that after he had succeeded by his great popularity with the Senate in getting up the bill that he was so utterly ignorant on the subject that he had to call on a Senator from Missouri and myself to explain its provisions and pass it through the Senate.

That last paragraph or sentence is *false*. Knowing that he had ingress into all the Departments, I thought that he knew something about the measure. It is true that I never heard of it until the evening that it came into the Senate. It was on the last night of the Senate—a fine time, indeed, for the passage of such a measure—when the bill was brought up. It reduced the time on the St. Joseph and Placerville route from 38 to 30 days. I was exceedingly anxious that the bill should pass. Dr. Gwin moved to take up the bill, but his motion failed. I finally in the latter part of the evening, succeeded in carrying a similar motion, and the bill was passed. I knew nothing about the Postmaster General; I had never spoken to him. I never entered any of the offices, save on business; even when I had business with the Department, if I could procure a man to do it, without my holding intercourse with the officers, I preferred that mode of action. [Applause.] I have never spoken to the heads of the Department since they took under consideration, and in favor, the infamous Kansas fraud. [Cheers. "Give 'em hell, Dave!"] Dr. Gwin tells you in his speech that he is in favor of multiplying the routes. I supposed that the Overland Mail routes were established for the purpose of promoting emigrant communication between California and the Eastern States. Now, I state within the hearing of you all, that there is but one Overland route, and that is the Middle route. Nineteen-twentieths of the people who crossed overland to this country came by this route. ["That's so."] Who ever heard of any horses, cows, or any other kind of stock, being brought across the desert below the 32d parallel of latitude—the line this mail route travels over? ["Nobody."] I wanted one route for the encouragement of immigration. I had no objection to the El Paso route, and when Dr. Gwin says that I stood in opposition to it, he asserts that which is untrue. Are you aware, fellow-citizens, that the General Government has been expending nearly $900,000 for the support of three mail routes from the Southern States to California, with a hope of forcing the mail and immigration by a Southern route—while the Middle route is receiving the mere pittance of $160,000. And upon this latter line the time of travel is fixed at so long a period that it is of very little benefit to the people of the "Western States," or the people of California. If Gwin had turned his attention and a portion of his speech to the Middle route, he would have effected much more for your benefit, as I will proceed to show after a while, if you will listen to me. Here is a very funny portion of his speech, which I take great pleasure in reading to you:

Again, he says he passed an amendment through the Senate, at the last session, reducing the time on this route to twenty-five days, but he fails to state I was in favor of *twenty* instead of twenty-five days. [Laughter.

Fellow-citizens, how do I know but that he was in favor of five days? ["Jes so."] How do I know but that in the deep recesses of his heart Dr. Gwin cherished a hope and a plan for the swiftest air-line express route across the Middle Plains? But, gentlemen, "I was not aware that he made any movements" to have the time reduced to *twenty* days. I was in the Senate all the time; yet I did not learn of any efforts of his for the end which he now claims he sought, and for his action towards which he intimates that I am disingenous in not giving him credit. This I know: he never raised his voice or said a word until called upon to answer a question which I put to him relative to the Middle route. How fair my colleague is in his efforts as Prosecuting Attorney! for, perhaps, such he considers himself. In one part of his speech he charges me with culpable ignorance, because I formerly sought from him information, which, from his advantages as an Administration man, he probably possessed; yet he is grieved because I did not know that his zeal so far outstripped mine that he favored a reduction on the Salt Lake line to twenty days. This is his first announcement, which has reached my ears, and I undertake to say that it will prove to be *news* to every Californian who has read the recorded transactions of the United States Senate for the past two sessions. But I will show you, fellow-citizens, from the debates in Congress, that Dr. Gwin took no part in this matter, save to throw obstacles in the way, when this amendment authorizing a reduction of time on the Placerville and Salt Lake line was before the Senate. Here is what Dr. Gwin said:

I do not intend to enter into the debate, because I believe I am solitary and alone on this subject. I hope nobody will take spasms when I say that I am in favor of all the routes, and always have been.

I suppose in favor of the next war as well. [Laughter.]

I look upon this policy of extending routes across the continent, and establishing connections with the various sections of the Union over this uninhabited country, as one of the most important policies ever adopted by this Government. I have been in favor of all of them from the first; and I will go so far as to say, notwithstanding I

expect to be looked upon as almost a monster, that I am in favor of another route, from St. Paul to Puget Sound; and I will put it on this bill, or any other, if I can do it.

I remarked that I would have preferred to have Dr. Gwin take charge of the matter, not for any great knowledge of it which I supposed him to possess, but on account of his relations with those who did have full information. Then mark his reply:

I did not wish to take charge of it. I said that I wished the Senator had proposed, also, to increase the service on the Stockton route, by the thirty-fifth parallel, which I was in favor of; but I did not want to mingle in this matter at all.

Very anxious he is for the routes, as he expresses himself in general terms, but when it is suggested that he perform a portion of the practical service necessary to improve them, he shrugs his shoulders, and does "not want to mingle in this matter at all." You can judge of his sincerity. Do you infer from these remarks, which I have just quoted, that he is solicitous for a twenty days' service on the Middle route? True, we were not immediately speaking of that route, but what think you of the favorable disposition of a Senator who blows such blessed plans for all sorts of routes in one big breath, and then, when asked, in courtesy and with compliment, refuses to "mingle" in such a matter as the benefiting of any particular line? I was disgusted with such an exhibition of insincerity, and I really want to know if Dr. Gwin can use this language in the Senate and then come here and make you believe that he was a champion for the Middle route? ["Guess not."] I said that I wanted to be practical; that I wanted to lessen the time over the St. Joseph and Placerville route to twenty-five days. Did Dr. Gwin then propose twenty days? When did he propose *twenty* days? At any opportune moment? Where is his "twenty days" speech? O yes, he is in favor of all the routes possible of construction and conception—so he tells us at the outset, and when he gets home; but not one earnest effort does he make for any route save in behalf of the El Paso route. He does not wish to sully his hands or his political character by "mingling" in such a matter as the Central route; he can hardly afford to speak of that great middle and only immigrant highway until he is clear up among the mountains in California—in Grass Valley; then he is decidedly for the Placerville route, and his "zeal" is exceeding broad and "outstripping." There are a number of other points in his speech to which I would like to draw your particular attention, and to which I will hereafter devote a little time while continuing my campaign among the northern counties; but I cannot trespass further upon your patience than I will be allowed in my remarks following the reading of another single paragraph:

I await the further reference which Mr. Broderick intimates he will make to the Senatorial election of 1857, to make a statement that I should have published long since but for reasons which I will state when I again refer to the subject; and I will now dismiss him and his speech.

I will now proceed, fellow citizens, to give you a brief history of the Senatorial election—[Cheers—"That's it." "Go in, Dave." "We want to hear that, *sure*." "Yes, the people of this State have been waiting for that some time."] and why I gave my influence for the election of Dr. Gwin to the United States Senate rather than for the election of Latham. Of all those who were candidates, Judge McCorkle was my first choice, but a close canvass proved that a sufficient number of votes could not be obtained to secure his election. After Judge McCorkle had become satisfied of this fact, and only upon consultation with him, we determined to throw our influence for the election of Mr. Latham. At this time Latham was as certain of a seat in the United States Senate as a man could be who had not actually obtained his commission. My friends were in hourly communication with him, and no other result was contemplated by the members of the Legislature, friendly to me, than Latham's election. Latham assured my friends that with one or two trivial exceptions, they should have his influence in obtaining all the Federal Offices in this State. The tide of public opinion at this time set in so strongly in favor of Latham, that even Gwin's friends were deserting him and joining Latham's forces. Upon the eve of Latham's election, when there remained nothing to be done but to make up the official record of the vote which would elect him, a gentleman whose claims I favored for the post of Collector of the Port of San Francisco came to me and said that Latham had sometime before given a written pledge promising to support him for the same position in the event of his (Latham's) election. But now, his election being considered certain, Mr. Latham had determined to support another individual, and in his anxiety to obtain possession of his written pledge, Latham had deputed a man to seek my friend's room, and surreptitiously obtain possession of the letter containing that same written pledge. [Great laughter and shouting.] This statement was so well substantiated by facts, that I could not doubt its correctness. I found, upon making inquiry, that Mr. Latham had determined to support another gentleman for Collector, and that that gentleman whom he had determined to support was one of my warmest and most intimate friends. Fellow citizens, this scheme to separate me from friends who were as dear to me as my own honor, was so cold-blooded, calculating, and so malignantly selfish, and the means adopted for the accomplishment of it partook more of the nature of a man who had dabbled in the filthiest pool of politics, [cheers and great laughter] rather than that befitting to and worthy of a gentleman aspiring to the proud and exalted position of United States Senator, ["good, good,"] that, accustomed as I had been to watch the low tricks of greedy politicians, a life-time of observation had furnished no parallel to the degrading baseness which the facts thus developed against Latham exhibited. [Tumultuous and prolonged cheering.—Cries of "good"—"Let it out"—"Sock it to him"—"Dave you're a whaler"—"No, he's after a small fish." (Laughter.) "Go on with the story; you're giving 'em perfect h—l."] Up to the time when these facts were developed, I had been assisting

Latham with my whole strength. My friends had been committed to him, and he unhesitatingly and with the strongest vehemence pledged to them his aid for me in giving them position. Indeed, so much had been done to secure Latham's election that at this time I felt doubtful as to whether it could be prevented. I decided, however, that my duty to the people of this State, and my duty to myself, required me to use every exertion in my power to prevent the election of any man who was controlled by such motives and who could pursue the course of conduct charged and proven against Latham in the facts related to me, and which I have now rehearsed to you. [Cheers.] Fellow-citizens, my war with Dr. Gwin had been long and bitter, yet in all the criminations and recriminations of so continued and malignant a political warfare no charge had ever been made against Gwin, which in its faithless enormity could compare with the facts thus developed against Latham. [Cheers.] About the time I learned these facts relative to Latham's conduct, Dr. Gwin sought an interview with me. At this interview he told me men upon whom he had claims, men for whom he had obtained office and position, were supporting Latham's election, and that the faithlessness of those upon whom he had claims had released him from future obligation, and he voluntarily assured me that if my friends would support him, in the event of his election he would aid me in giving my friends the offices under Buchanan's administration. His letter containing the substance of this interview has been given to the public; at the close of my remarks I will read it. To aid Latham, after what I knew of his conduct, was impossible. Judge McCorkle could not be elected, and I had no course left but to do what I could to aid Dr. Gwin. Dr. Gwin was elected. Whether he has carried out, in good faith, the pledge made in his published letter is not for me to determine, for since my quarrel with the Administration I have not sought any of the Departments at Washington to ascertain who had or who had not recommended applicants for office. I may, however, be excused for harboring doubts, if I am to believe any of the statements made to me, or if I am to believe in the genuineness of a letter which has been sent to me, purporting to have been written by Dr. Gwin to Mr. Anderson, of this place. I will read that letter, and I will read Dr. Gwin's letter to the public, and leave you to judge, fellow-citizens, whether he is the proper man to arraign me before the people of this State. [Cheers.] These letters are very interesting, and I do not believe that you will be sorry for having listened to them after they have been read. [Great laughter, and cries of "Go on!" "Read!"]

To the people of California: I have thought it proper in view of the Senatorial contest which has resulted in the election of Mr. David C. Broderick and myself to the Senate of the United States, to state to the people of California certain circumstances and facts which compose a part of that arduous struggle.

After a laborious service in the United States Senate during a term of six years, and at a juncture in the history of the State when the energy and fidelity of a representative could be most fruitful of results, I found myself at the expiration of my term, and after having, as I supposed, outlived the misrepresentations of my enemies, engaged again in the struggle which has again been rewarded with the confidence of the Legislature. My election was attended by circumstances which rarely occur in the course of such contests. A representative, whose evil destiny it is to be the indirect dispenser of Federal patronage, will strangely miscalculate if he expects to evade the malice of disappointed men. But the hostility, malignity and abuse which have pursued my Senatorial career when at a distance from my maligners, and which have accompanied me through the strife just closed, are such, I believe I may say, as a representative has never before endured to survive.

The opposition I have sustained *came from an unexpected quarter, and from those whose friendship I had believed strengthened as it was by personal obligation* nothing could weaken or sever. Ardent, devoted and disinterested friends I had, whose fidelity remained unshaken from the first to last, through storm and sunshine alike, and to these one and all, my grateful acknowledgment, are due. But even the force of their attachment, faithful and zealous as it was, would have proved unavailing, if unaided, to meet and conquer the opposition which open hostility and secret treachery had arrayed against me. I learned in the struggle that he who aids in conferring great official power upon individuals does not always secure friends, and that the force of deep personal obligation may even be converted into an incentive to hostility and hate. *In a word, to the Federal patronage in the State do I attribute* in a great degree, *the malice and hostile energy*, which after years of faithful public service, and towards the closing period of life, have nearly cost me the indorsement of a re-election to the United States Senate. From patronage, then, and the curse it entails, I shall gladly in future turn, and my sole labor and ambition from henceforth shall be to deserve well of the State, and to justify the choice of the Legislature in honoring me a second time as a representative of its interests.

I have hinted above at aid, other than that received from those whom I have regarded as friends. *I refer to the timely assistance accorded to me by Mr. Broderick and his friends.* Although at one time a rival, and *recognizing in him a fierce but manly opponent, I do not hesitate to acknowledge in this public manner his forgetfulness of all grounds of dissension and hostility*, in which he conceived to be a step necessary to allay the party strife and discords which have distracted the party and the State. *To him I conceive, in a great degree, my election is due; and I feel bound to him and them in common efforts to unite and heal*, where the result heretofore has been to break down and destroy.

SACRAMENTO, Jan. 18, 1857. WM. M. GWIN.

The printed letter is signed by William M. Gwin, and written on January 13th, 1857. Now, fellow-citizens, here is a letter written on April, the 5th, following—scarcely three months. Now, listen to what Dr. Gwin said on April the 5th, 1857:

WASHINGTON CITY, April 5th, 1857.

MY DEAR SIR: You will have a history of the events as they have transpired here within the last few weeks from the newspapers. I don't think that I shall hereafter be charged with bargaining off the patronage of the Government to Mr. Broderick. He has left this city in a great rage, and sails for California to-morrow, with the intention of carrying the State Convention, nominate his own friends to the State offices and censure the appointments that have been made. It is a bold game in which he loses everything, if he fails; and *can he succeed? What will Nevada do?* I hope it will stand by the Administration. If Mr. Broderick succeeds, he will break up the Democratic party in California; and, if he fails, he breaks himself up. Our friend Crenshaw is Postmaster [great laughter], and I beg of you and them and every friend in the county to canvass it thoroughly and carry the delegates to the State Convention. Write to our friends in the county and place before them the true position of the case. The President in making appointments for California has been governed by the desire to secure the most faithful public officers, and in doing so, has sought to consult the wishes of the people and of *our* party in all sections of the State. [Roars of laughter.] Very truly yours,

WM. M. GWIN.

To WM. F. ANDERSON, of Nevada.

[Great laughter and shouting.]

This is a copy of a letter written to a gentleman who is now in this city—a Mr. Anderson, who resides in this place, I believe. I have no acquaintance with that gentleman, and, therefore, did not consult him relative to the reading of it. His name is Wiliam F. Anderson. ["The reading will please him." Laughter.] Now, fellow-citizens, in all seriousness, is this man to arraign me before the people of this State? I heard that Dr. Gwin intended to place me on trial immediately after his return to this State, and I have been looking for the Court to try me [laughter] and I am pleased with the jury that I find wherever I address the people. [Cheers.] Where are the prosecuting officers? [Great laughter and applause.] Where are my accusers to-night? ["Where?"] In Downieville, in Marysville, in Sacramento—perhaps as near as Grass Valley— [great laughter]—EVERYWHERE, save where I am. [Cheers and great laughter.] Why, Dr. Gwin and his followers told you that I had not sufficient courage to confront you—that I dare not go before the people. I am now before the people — [prolonged cheering—"You are that"—"The people are with you"]—and they say that it is very improper for a United States Senator to exhibit himself to the public gaze—[laughter—"O ho, the delicate cusses"—"They're getting to be devilish nice, ain't they?"]—that Dr. Gwin is not doing it, but that Broderick is. [Laughter—"Yes, and you keep doing it—Old Lime Point won't show his head at all after this election."] First it was a question of courage—now it is a question of delicacy. Well, gentlemen, I have hitherto refrained from going among the people. Public speaking is a matter that is very unpleasant to me, very: and, therefore, I have never taken the trouble to go about the State and address the people. But I am now before them in my own defense—[tumultuous cheering]—to defend myself against the assaults of a band of unprincipled men who stole into the Legislature, and there tried to disgrace a representative who endeavored to serve the State faithfully. [Great cheering.] I announce here to-night that I plead not guilty to the charges preferred against me. [Cheers.] I am ready to meet my accusers here or in any part of the State. [Cheers.] If there is any man here to-night who has any charges to prefer against me, let him mount this rostrum and make those charges good. [The cheering which arose at this point continued at its height for a considerable time. It was mingled with numerous significant calls, only a portion of which could be intelligible to the reporter. A thin voice, issuing from a man who stood on the eastern outskirt of the crowd, was heard amid the uproar: "Is Dr. Gwin speaking at Grass Valley now?" Mr. Broderick attempted several times to proceed, but was interrupted by the enthusiastic outbreaks of the crowd. Finally he said:] I wish now to give you a brief history of my course in the Senate, and of the bills upon which I differed from my colleague. My opponents will tell you that I am making my Placerville speech over again. I intend to repeat portions of it, in substance, everywhere that I address the people. In giving the history of the action of the last two Legislatures towards me, I give that portion of my Placerville speech which is, perhaps, the most disliked by my enemies, particularly by those who were members of the last Legislature. ["We are going to send them to Stockton next time."]

Mr. Broderick proceeded to give a record of his acts in the United States Senate, and an account of the Instruction Resolutions.

Mr. BRODERICK—The Opposition press are very bitter upon that portion of my "Placerville speech" in which I spoke of the measures on which I differed from Dr. Gwin. That, too, they do not want repeated. It is true that when I look at the demands in the papers I find that I have got to give a history of my public acts, for Dr. Gwin tells you that I am on trial, and although there is no one here to prosecute me, although I am not asked to say whether I am guilty or not guilty, I am very anxious to be tried, for never was man in durance yet but he wanted to get out of it. [Laughter.] Therefore I wish this campaign to be disposed of at as early a day as possible—at least my connection with it. [An old white-headed man, standing near the stage, exclaimed, in a husky voice, "The jury brings in a verdict of not guilty!" Great laughter and cries of "You're correct, Foreman!"] but let me not be misunderstood. I am not desirous of closing this contest until Dr. Gwin has lived up to his *invocation*, and met me face to face before the people. [Cheers.] I challenge him to a fairly arranged discussion, and will agree to abide the result. There is no excuse that will answer for his non-appearance. Until he lives up to his own promise—I should call it, rather, his threat—made, as I showed at Marysville, on the floor of the United States Senate, I accuse him of evading the contest; and his friends should have the goodness to refrain from prating about his assumed ability to prosecute me, or my asserted incompetency to defend my course. Let him come out with me before the State of California. [Cheers.] I imagine that I can give him new matter, from this day on, without quoting a line from that vexatious "Placerville speech." [Cheers.. "He never'll meet you, Dave!"] I understand that General Denver addressed you at length, last evening on the subject of Lime Point. He told you, I am informed, that it was very necessary that the State should purchase that tract of land, so that a fortress could be constructed at the entrance of San Francisco harbor. He stated that it would give work to hundreds of poor laboring men now out of employ. What is all this talk about finding employment for laboring men? Suppose that the construction of the proposed fort at Lime Point could give hundreds and thousands of mechanics remunerative labor, would you have your representatives in Congress vote for a plundering scheme with that benefit entailed? Let me put the question squarely, and in exact accordance with the Lime Point illustration. Would you have your Senators vote for an appropriation of $300,000—$200,000 of which was

to go to line the pockets of speculators, while only $100,000 was applied to the hiring of laboring men? ["No!" "No!"] Then these appeals to the laboring classes are the most contemptible of demagogue subterfuges. Be not deceived. When the scheme for securing an appropriation of $300,000 for the purchase of Lime Point was concocted there was no thought of your interests, laboring men, on the part of the schemers. If the appropriation had passed, do any of the laboring men of this State imagine that those individuals who obtained the largest slice of the spoils would have engaged masons and carpenters to build for them a "suburban villa" along the line of that superb water front? [Laughter.] Did you look at General Denver? Did *he* look like a working man—a representative of the working class? He is a very huge thighed man. Have his muscles been developed and strengthened by mechanical labor? Has he always evinced a sympathy with the working classes? I wish you to observe who it is that is constantly indulging in compliments about working men; whether they are manual or mental laborers, or seedy and designing demagogues.

Mr. BRODERICK concluded his remarks by calling upon his hearers, one and all, to vote for the ticket headed "John Currey."

On leaving the stand, three cheers were given for the speaker and three for the ticket he recommended.

Mr. MCKIBBIN was then introduced to the audience. He spoke for nearly or quite two hours, and was warmly applauded throughout.

At a quarter to 12, the meeting broke up. A carefully made estimate, by the Reporter, of the number present at the expiration of Mr. Broderick's speech was twenty-two hundred. This was within the count.

AUSTRALIAN MAIL LINE.

SPEECH

OF

HON. CORNELIUS COLE,

OF CALIFORNIA,

In the United States Senate, July 9, 1870.

The Senate having under consideration the Australian Steamship bill—

Mr. COLE said:

Mr. President, the occasion I hope will justify some remarks upon the subject of steam communication with foreign countries. This subject is now claiming unusual attention because of its bearing upon our depressed navigation interests. It is looked upon by many as the means of recovering our lost carrying trade, and while it is regarded by some as the only requisite to accomplish that end, all concede that its influence in that direction will be great. The strong necessity that something should be done to regain the shipping that slipped from us during the war and immediately afterward, is everywhere felt. It impresses itself upon every American citizen on the most casual review of our commercial situation. Its discussion is not confined to Congress alone, but is participated in by all the newspapers. It is a theme of comment at every social gathering and by every fireside.

State legislatures, party conventions, chambers of commerce, boards of trade, and town assemblies have passed resolutions upon the subject, and the anxiety of the public mind is on the increase lest Congress should fail before the adjournment to adopt some measures of relief. But exactly what sort of relief should be sought is a subject of doubt, the views of men varying according to circumstances and local interests. With many the opinion prevails that the real remedy is to be found in an indefinite expansion of our tonnage, and to that end they advocate the encouragement of ship-building, without regard to the particular kind of ships to be built. They would admit free of duty all materials used either in the construction or equipment of vessels, and allow a bounty, to be paid out of the Treasury of the United States, upon American materials so used equivalent to the duty upon like articles when imported. As further encouragement to the construction and employment of American ships, it is proposed that the Government shall pay annually to the owners of vessels actually engaged in foreign trade a certain rate per ton upon their registered measurement, discriminating somewhat in favor of steamships, but making no distinction as to the size, quality, or construction of either sailing or steam vessels.

The advocates of these systems of bounty are not a few, nor are they wanting in zeal or ability. But it is more certain that business will be revived in our ship-yards by these plans than that our carrying trade will be greatly promoted by them. True it is, that by increasing the facilities for trade trade itself will be increased, just as a multiplication of the implements of husbandry will increase

the products of agriculture; but the increase in the productions of the farm depend more upon improvements in the implements used than upon their number. In like manner advancement in our navigation interests will depend rather upon the style of our ships, upon their speed and convenience, than upon their number, or upon the total amount of tonnage owned in the country.

The marvelous growth which began in our commerce some thirty or forty years ago was attributable more to the peculiar construction of our vessels than to any other cause. The architectural skill displayed by our shipwrights was a long stretch in advance of that displayed by any other people. The Baltimore clipper, whose remarkable speed wrested from the nations of Europe a large share of the commerce of the West Indies and of the South Atlantic coast, was the first step; but from that we advanced to the swift-winged clipper ship. This grand triumph of the naval architecture, with the aid of Maury's charts, showing the currents of the ocean and the air, could double either of the southern capes in half the time required by the old hulks of the period.

As a consequence, other nations, even the British, were compelled to use our ships for their carrying trade, and our tonnage increased from 3,772,000 tons in 1851 to 5,212,000 tons in 1855. In 1861, when the rebellion broke out, our ocean tonnage was swollen to the enormous amount of 5,539,000 tons. In 1850 a fact exceedingly flattering to us was declared in the English House of Commons by John Bright; namely, that "the finest vessels which are at this moment performing the voyage between England and the Australian colonies have been built in the United States; in ship-building the United States not only compete with, but in in some respects excel, this country." This was before we had reached the highest degree of perfection in the art of ship-building, but it was an era of triumph, for we were even then able to defy competition. By means of those mighty agents of commerce, clipper-ships, we could supply the best markets of the world long in advance of those who depended upon the old style of vessels to carry their cargoes. But a great change has since taken place. Maury's charts are out of date; the age of clipper-ships is past. It has been succeeded by the age of steamships. The sail no longer, but the engine, is the reliance of the mariner. At this moment vessels driven by steam are cleaving the waters of every ocean; and if we fail to adopt that method of communication, we shall not only remain behind, but fall further and further in the rear of other nations. If by any means we can excel in that kind of ocean conveyance we shall again assume the proud pre-eminence we enjoyed when the construction of clipper-ships was virtually a monopoly with us.

The great point to be gained is to outstrip others in the rapidity of communications. In commerce everything depends upon expedition. Without that it cannot be successful. The tardy ship will find the market supplied by more energetic competitors, and ruin to her owners is sure to follow.

Those who believe that our business upon the ocean is to be regained by simply multiplying the number of our vessels, or by adding to our tonnage, have fallen into a grievous error. Success depends alone upon the style of the ships—upon their speed and capacity. If a bounty is to be paid for the building of new vessels, it should not be awarded indiscriminately to the producers of any sort of ships, but only to those who bring out vessels of superior construction. It would be wisdom to encourage, in almost any way, the building of vessels of greater swiftness; but to foster the multiplication of ships of the old style would be simply to encourage the wasting of capital, which might as well at once be thrown into the sea.

The day of East India junks, of Spanish galleons, and French corvettes, and English hulks is long gone by. Voyages that require years for their accomplishment are no longer undertaken. A venture, to be profitable, must now be performed in the shortest possible time. The ship that first brings her cargo to port is the one that commands freight. There is little use for slow ships in this fast age. They are frequently a positive damage to their owners, and the sagacious merchant avoids them as he would a pestilence or a dangerous coast.

This great commercial problem is not a difficult one to solve; it is as simple as that two and two make four. By rapid communication a knowledge of the want is ascertained, and by rapid communication that want is supplied. The result is profit, wealth, and power.

While competition is in one sense the life of business, it is death to the business of the unsuccessful competitor. Want governs the price of commodities, and he who first supplies the want gathers the advantage.

At the breaking out of the rebellion our tonnage was almost equal to that of the foremost commercial nation. It comprised about a third of the total tonnage of the world. The superior construction of our vessels gave them a marked preference among all nations, and the result was a growth in our commercial marine such as had never before been witnessed. In comparatively a few years, from a low grade we advanced to the first rank; and had we kept on with the progress we were then making the end of the first century of our national existence would have found us without a commercial rival, and far beyond any parallel in history.

But the rebellion brought with it the necessities of war, and the arts were consulted to find the means of destruction rather than of thrift. The unparalleled enterprise of our ship-builders was no longer directed to the production of swift, but of strong vessels. White-winged commerce for the time was hid beneath the clouds of war. Fast-sailing clipper-ships and ocean steamers gave place to iron-clads and monitors.

But it is some satisfaction to remember that we succeeded as well in this new direction of our energies as we had in the other. Our war marine as far excelled all before it as had our merchant marine surpassed that of other countries. If our clippers were new in commerce, our monitors were no less novel in war. The genius of our people was as manifest in the one case as in the other.

But while our attention was bent upon the means of destruction our rivals in commerce were devoting their energies to the advantages of trade. They were in fact availing themselves of the very improvements for commercial ends that we had abandoned in the pursuit of war. And when the rebellion was ended we found ourselves masters of the ocean by the superior construction of our navy; but ths carrying trade of the world had fallen into other hands, where it has remained ever since. While we have been boasting about our Wehaukens and Dunderbergs, our commerce has fled. Our great success in the construction of steam war vessels has afforded us very little remuneration; and it is becoming painfully evident that the best of monitors fail to reduce the national debt. The largest iron-clad ever built pays no taxes, but, on the contrary, it is found that such baubles add materially to the demands for revenue. It is becoming apparent that in times of peace they are most unprofitable investments.

Now that the giddy whirl of war is over the people are demanding ships to carry grain instead of guns, and bales of goods instead of boxes of ammunition. They want vessels constructed for speed and not for strength. They realize that though the battle may not be to the strong, the race in commerce is always to the swift. By losing sight of this we have lost our carrying trade, and we are at present paying tribute to those very nations which before the war relied upon us and freely poured their wealth into our Treasury.

Mr. President, we are coming to a realization of the difference in the requirements of war and of peace. Though strength and security are indispensable in the former, in the latter speed and capacity are of infinitely more value. The conclusion has been arrived at, without much thought, that the cure for all our commercial ills is to be found in the construction of vessels of iron. This error has arisen from the fact that Great Britain, not having other material, has fallen into the very general use of iron in ship-building. Perhaps, also, it has been augmented in some degree by the further fact that during the war we resorted to the same material to secure greater strength and durability. It is undeniable that iron ships possess some advantages over ships built of wood. They are more durable and possess a little more capacity for freight; but to say that the mere material out of which a vessel is constructed confers upon her in all cases any considerable superiority is a mistake as great as it is common. First-class ships can be built of either wood or iron, and inferior ones are as likely to be built of the one material as the other. The advantage will be found rather in the style than in the material.

The first great use of ocean steam lines is to convey intelligence with rapidity and certainty; for that reason they are called mail lines, though used also for the

transportation of passengers and freight. The increase of commerce by means of them directly is less to be expected than the increase produced by their stimulating trade, and rendering necessary the employment of other vessels. By communicating information as to the exact condition of the markets very little risk is run, goods are furnished cheaper and more abundantly, wants are better supplied, and the sum of human happiness correspondingly increased.

While intercourse between countries favored by such lines is always greatly augmented outside of their immediate agency, a large amount of business is usually transacted by them. They attract commerce, and their returns through the custom-house usually go far toward reimbursing the Government for any outlay incurred in their maintenance. But foreign mails as well as commerce are always greatly enlarged by the success of these ocean lines. The trade begets mail carriage, and *vice versa*. Such mails may be light at first, but if the countries thus brought together are susceptible of commercial advancement the mails will be sure to assume importance.

It is not a sound argument, however, against subsidizing these lines that the returns in postage are inadequate to meet the Government expenditure upon them. The return for mail service, though often large, is usually among the smaller advantages flowing from their establishment. The great gain is through the channels of commerce rather than through the Post Office Department. And their convenience inures as well to the benefit of the travelling public as to mercantile correspondents. But the same argument is equally forcible against many of our domestic mail lines, whether by water or by land—whether by railroad, by stage, or by steamboat. The service performed is often wholly inadequate to meet the expenses incurred; particularly is this the case, and always the case, on new lines. If the Post Office Department were to wait in every instance till the business on a particular route was sufficient to defray the expense of mail carriage over it our post office system would be unworthy the name, and a disgrace to the country. But that principle, when indiscriminately applied to ocean mail service, is equally short-sighted, as is shown by the successful practice of the two great European nations, England and France, which send forth these powerful messengers of commerce into every sea, and gather to themselves in abundance the wealth of less sagacious countries.

We have long been practising a liberal policy in our internal communications. The pioneer's cabin is often a United States post office, and the mail-carrier penetrates the remotest wilderness. Railroads are pushed in advance of settlements. The locomotive is sometimes the *avant courier* of civilization, and the result has invariably justified the practice. Rich States have taken the place of desert wastes, and where but lately stood the hunter's cabin is now the populous city. Thus the whole country has been strengthened, and the policy that has developed wealth and prosperity at home would produce similar results, but on a grander scale, if extended to foreign countries. By facilitating communication with them, business is attracted and wealth augmented.

In addition to great gains vast savings are effected by the maintenance of ocean mail service—savings of expenditures for the navy, since such vessels are easily convertible into ships of war and into transports for warlike uses. The steamers of the Peninsular and Oriental line of England conveyed eighty thousand men and twelve thousand horses to the Crimea. They thus performed a service for the British Government that otherwise would have entailed an untold expense, if indeed it could have been accomplished at all without them. In fact there are many questions to be taken into consideration in connection with ocean steamship service, entirely distinct from the question of profit and loss arising out of the accounts of the Post Office Department.

The greater the intercourse between nations the less likelihood is there of a rupture in their friendly relations. Mutuality of interests, springing out of trade and barter, renders them more dependent upon each other and less likely to seek the destruction of each other. A remarkable example of this is observable in the present condition of those ancient and hereditary enemies, England and France. By an almost total abolition of restraints upon trade between them they have been on different occasions and for various purposes allies and friends. Freedom of intercourse and the accumulation of wealth in both have converted their animosity

into kindness, their long-continued hostility into a lasting peace. Every steamship line is another guarantee of friendly relations, not only between the countries thus immediately connected, but with all the world, and every appropriation made for the support of such a line is an appropriation to preserve the peace of the nations.

When all the seas become threaded with these lines, so as to form a net-work upon the oceans like that which railroads present in the more enlightened countries, the world may feel assured that the barbarous practices of war will be confined to barbarous nations. The object of war is destruction, and the end is poverty and distress. But the end aimed at and attained in the establishment of mail steamship service is to build up, enrich, and make happy.

We appropriate many millions each year to support the army and navy, all of which is absolutely consumed and renders no return. But that which we appropriate for the encouragement of commerce, while it accomplishes the same end sought by supporting an army and navy, that is to say, the promotion of peace, at the same time adds to the wealth of the country. It returns a full equivalent for the outlay, if not in postage and in customs, at least by increasing the general wealth of the nation, and promoting its prosperity.

Owing to the habit of appropriating money in large sums to the army and navy, we do not stand upon a few millions, more or less, for the support of those establishments. Forty millions for the army and thirty for the navy, even in times of piping peace, go as lightly as the satisfied man pays for his dinner. No one thinks to challenge the amount or the purpose of the expenditure. But if a proposition is brought forward to appropriate the cost of supporting only one regiment, or a single frigate, to the maintenance of a line of postal or commercial ships, a perfect spasm of economy seizes upon Congress.

A moment's reflection must convince any one that the regiment or frigate is little more than a costly bauble in such times, and that the million or more dollars expended upon it is an absolute outgo, while steam service, that would be abundantly maintained with the same money, would return to the nation many fold the amount by swelling our commerce and adding to the general wealth of the nation.

It is not mere hypothesis, but capable of demonstration, that money judiciously expended in the support of commercial enterprises tends infinitely more toward the preservation of peace than when devoted to the support of military and naval establishments. If we would preserve amicable relations with other countries we have only to promote commercial intercourse with them. Owing to the extent and diversity of our commerce with England a war with that country is next to impossible. It is, to say the least, extremely improbable, notwithstanding the many grievances that have arisen between us during the last few years. As mankind are fonder of pleasure than of pain, as they prefer happiness to misery, as they value life rather than death, so they will welcome the harbingers of peace rather than of war. Vessels laden with the comforts of life, for trade, go much further toward insuring peace than vessels of war freighted with armed men and supplied with the implements of destruction.

If we would study economy, our opportunity lies in the direction of cultivating good will among the nations. It is unquestionably the interest of a people to encourage peace, and not to devote all its energies to the preparation for war. How simple is the proposition, if it needed to be put in such form, to dispense with a small proportion of the army or navy, or of both, and to divert the little fraction of expense thus saved, scarcely a fiftieth part of the whole though it should be, toward securing a great commercial advantage? How much more would it add to the wealth, grandeur, and influence of the republic; how much more to its peace and happiness, to its strength and safety?

The proposition is now pending to establish an American steamship line between our Pacific coast and Australia, by way of the Sandwich islands, the Fejee islands, and perhaps by New Zealand. The ports usually mentioned as the termini of the route are San Francisco and Sidney, and the people of these places feel a deep interest in the enterprise; but the inhabitants of all Australia, of the adjacent islands, of the whole of Polynesia, of the Pacific States of America, of the entire Union, of Great Britain, and indeed

of all Europe, are to a large degree interested in it. We are apt to consider the measure in reference to its influence upon our own country, and if our views should unfortunately be thus confined, it is not any one section that is to be exclusively benefited, but the whole. The particular port that happens to be the terminus of such a line will feel its influence first, but that influence will be pretty evenly disseminated over the whole country, and all alike will partake of its advantages.

The Australians, as British colonists, are bound to the mother country, not figuratively, but actually, by the ties which bind children to parents. Hitherto, communication between them has been from England eastward, or from the colonies west, by a route much more tedious, dangerous, and costly than the one now proposed. It has lain across France, through the Mediterranean and Red sea, around the south of Asia to the East Indies, a distance of fourteen thousand miles, at a cost of $600 to the passenger, and involving a consumption of at least fifty-five days; and this route lay through boisterous seas and inhospitable climates.

The new route results from the completion of the Pacific railroad, and is really a very pleasant one, whether considered in reference to the portion made by sea, or that by land. It is, moreover, remarkably healthy, and cheaper by at least one third; but the greatest advantage it presents is the economy of time. The whole journey from Liverpool to Sidney, *via* New York and San Francisco, can be made in forty days, or two weeks' less time than by the south of Asia, which consideration of itself, independent of all other considerations, is a commanding advantage.

The population of the colonies which would be accommodated by such a line amounts to nearly three millions, and, as we have seen, are linked to the mother country by the ties of kindred and of political associations. If California, with barely a sixth of that population, could sustain a line of first-class steamers *via* the tropics and through a foreign country, how much more certainly will the population of Australia maintain a line *via* the United States to Great Britain? The commerce of those colonies is said to amount to $375,000,000 per annum, no small portion of which must follow the line just marked out. That course is as inevitable as the establishment of the service itself, and the beneficial result to the whole United States is no less certain. I have not thought of a subsidy so large that it will not, in my judgment, be returned in postage and customs dues and increase with almost arithmetical progression. The bullion produced in Australia amounts to $38,000,000 a year, all or nearly all of which goes to old England to settle the balance of trade against the colonies. This, from the strongest commercial necessity, would seek its destination by this route, because one part of the bill of exchange drawn against it would go by way of the United States, and should that be the speediest route the gold to meet it must be sent by the same route or a protest would follow. Mercantile liabilities must be responded to as soon as information is transmitted, or dishonor will be the result.

One colony has proposed to vote $400,000 to the same object and gather the proper proportion from each of the six other colonies which are to be benefited by the line. And what do we see? This proposition is that these colonies, which are colonies of a foreign country, colonies of Great Britain, shall make this appropriation of their means for the support, not of a British line, not of a colonial line, but of an American line; and I will presently give what I regard as the reasons for their joining with us in a proposition which seems to be so very advantageous to us.

If my calculations are founded upon reliable data, the mails of Europe intended for the East Indies would be forced over this route. and a large share of the expense to our Government would consequently be met by postage collections. How much is not a subject of exact calculation; but a basis could be found in the amount of mail matter now carried by the Peninsula and Oriental steamers *via* La Galle and the Red sea. A mail by the fugitive steamer Wonga-Worga, which lately arrived at San Francisco, brought some twenty-five thousand letters and other mail matter; and I am informed that during the last week eighty mail-bags of letters passed through New York from England for Australia.

It is not a good argument against this proposed line that the trade between

San Francisco and the Australian ports is at present very limited. Had the facilities been less the trade would have been still less. By increasing the facilities the trade will be increased in proportion. It was just as good an argument against the Pacific railroad, and against Government aid for its construction, that the trade and travel overland before it was built was very light. Before the consummation of that great work business between the Atlantic and Pacific sides of this continent was transacted by way of the Isthmus of Panama, and the most magnificent line of steamers in the world was sustained by it. But on the opening of the Pacific railroad the great mass of business at once sought the more expeditious route overland, and the Isthmus line has almost ceased to be used. So it is believed the opening of a new steam line between San Francisco and England's Australian dependencies will divert trade and travel from the old Peninsular and Oriental line to the shorter route by way of the Pacific railroad.

It is undeniable that a vast amount of business is transacted with these Australian countries, and it is equally indisputable that business will seek the most expeditious channels. The tendency of water to flow down hill, or of the sparks to fly upward, is not more certain.

That our American route is shortest in point of time is capable of full demonstration. The distance from Sidney to San Francisco is about six thousand miles. At the slow rate of eleven knots an hour, this distance can be made with stoppages in twenty-four days. The trip thence by railroad to New York is easily accomplished in seven days, and from the latter place to London in nine more, making the entire journey, as I have said, from Sidney to London in about forty days, instead of fifty odd as required in going the other way around the world.

If so much in point of time can be saved, business and travel will be forced across America, and the population of those islands constantly increasing insures a continuation of the line. But with this as with all other enterprises of the kind, whether belonging to this country or some other, reliance must be had upon the fostering care of Government for their inauguration. As in the case of inland mails and railroads, the advantage belongs in great part to the people at large, and they should bear their fair share of the burden, whatever it may be. Other nations understand this principle and act upon it; and if we fail to take advantage of the circumstances, others will render the assistance and reap the reward.

The number of persons making the journey between those countries and Europe each year cannot be much less than fifty thousand. Of these so many make the journey by the Peninsular and Oriental line that only first-class passengers are accommodated, and they are charged some $600 apiece for passage.

I will state that the proposed line will be able to carry passengers from London to Sidney or any one of the Australian ports for less than $400; and as our ships, those that will be put upon this line, carry passengers of different classes, usually steerage passengers, second-class passengers, and first-class cabin passengers, the opportunity for persons to reach the mother country from these colonies, or to reach the colonies from England, will be reduced much below the sum of $400. This of itself will command the travel by this route.

I have seen a statement that during the year 1869, $5,544,000 were paid for cabin passages alone between Australia and Great Britain, and the freight paid between the same points for that year was a little over $25,000,000.

It is hardly credible that $15,000,000 worth of our productions go to England annually and thence to Australia; but aside from this commerce by way of England we have a direct trade of about five million dollars with Australia itself, nearly the entire amount of which is made up in supplies furnished those colonies. In addition to this trade with Australia we carry on a barter with the Polynesian islands amounting to millions annually—at present I believe it is four million five hundred thousand or five million dollars, which would be vastly augmented by the establishment of Australian mail steamship service.

Why, sir, the Fejee islands, which lie immediately in the track of the proposed line, contain some forty thousand square miles, and a population little short of two hundred thousand, three thousand of whom are Europeans and Americans, engaged in the various industrial pursuits, and prospering in a manner that promises a great reward to those who tap their commerce.

I will not resort to the argument, forcible though it be, that if we fail to put on this service the English will avail themselves of the opportunity. This would be an appeal to the fears rather than to the judgment of Senators; to envy rather than reason. But the subject has received a great deal of attention both in England and in the colonies. It is universally conceded that the route *via* the United States has many advantages over the one *via* Egypt, and none are more keenly sensitive to this fact than the people of Australia. The best evidence of this is found in the fact that the Legislatures of New South Wales, Queensland, and New Zealand have already voted money subsidies in support of a line *via* the United States. These concessions are in proportion to population, but of themselves are by no means adequate to the establishment and support of a first-class steam line.

Though liberal, in view of the pecuniary condition of those countries, further aid is indispensable, and if not furnished by the American Government will be furnished by that of Great Britain. England is most naturally partial to her old and well-established oriental route, and it may be fortunate for us that she will yield to this American necessity with some reluctance. But England, as a general thing, has gone far in advance of us in recognizing the demands of commerce. Her promptitude and liberality in rendering assistance to ocean steam lines has only been surpassed by the liberality of the Americans in granting aid to railroads. The one has comprehended the business of the world, while the other has had for its scope the prosperity of a single country. Our wise policy as regards railroads has opened up to civilization many new and untrodden fields, and has added greatly to our wealth, influence, and happiness. Steam lines are the railways of the ocean. England has extended them into many a new sea, and gathered to herself the commerce of all quarters of the globe.

It is not a vain boast that "Britannia rules the waves." But her legitimate domain is the Atlantic ocean. She holds that by right of preoccupancy and proximity. The Pacific ocean, by as legitimate a title, belongs to the United States. By proximity our right is paramount, and we have only to occupy to make our claim pre-eminent. We have already taken some steps in the right direction, and only one or two more are needed to perpetuate our dominion. We have thousands of miles of sea-coast upon that ocean, and if we avail ourselves of the advantages within our reach the nations of Europe will be compelled to communicate with whatever possessions they may have there by passing through our own favored land. A vast continent has always intervened between the civilizations of Europe and the Indies. Columbus sought to avoid this by sailing west, and encountered another continent. This has at length been bridged over by railroads, and the Indies are now accessible in the direction sought by Columbus even more easily than he hoped to reach them, and, by the power of steam, vastly quicker. Nature and art have conspired to compel the old and effete civilizations of Europe and Asia to pay tribute to us of the New World. Our Republic will be the half-way house by which and through which the monarchies of the West and the East must communicate with each other. It rests with us only to add a little to the means of intercourse, by extending steamship service on the Pacific ocean, and the necessities of commerce will accomplish the balance.

Mr. President, the other leading commercial nations of the world have not hesitated to make whatever donations have been requisite to establish lines like that which is proposed in the bill under discussion. We are now paying but a small sum, in the aggregate, for this sort of service. We pay a subsidy for a line to China and Japan, which has resulted in very great advantage to us; we pay a small subsidy for communication with the Sandwich islands, with which we are in close relations; we pay, in addition to this, a small subsidy for a line between one of our Atlantic ports and Brazil; and that sums up the entire amount of subsidies that the United States Government makes toward these enterprises. Not so with England and France. Each of those nations has contributed many millions more than we have toward such objects, and, in consequence of that, they reap advantages which we ought to possess, which we ought to have. We are lagging behind them; and the question is, whether we, in this great drama of the world, shall act the second or the third part, shall be a mere stock actor among the nations, or whether we shall take the front rank, and lead in the great play of commerce that is going on.

Delivered in Platt's Hall August 1875

ADDRESS

OF

HON. JOHN M. DAYS,

Republican Nominee for the State Senate,

13TH SENATORIAL DISTRICT.

[Copied from the EVENING POST.]

MR. PRESIDENT AND FELLOW CITIZENS: We have been asked to give up our organization and disband the Republican party, on the ground that it had fulfilled the object for which it was called into being—it had finished its fight and outlived its usefulness. Nineteen years ago, when I used to attend the meetings, held in the old Music Hall on Bush street, of the Republican party during its first Presidential campaign, I remember seeing inscribed on the walls these mottoes: "Free thought, free speech, free men, and free lands"—intimating that the Republican party was organized to strike down all intolerance against the freedom of speech and the press; that it was opposed to human slavery, and that it was determined to uproot that European system of landed aristocracy becoming so prevalent here, and establish in its place free lands for a free people. That this mission has not been accomplished, let the history of the country say. Nor could it be supposed that any party, in the short space of time that has elapsed since 1856, could overturn all the inhuman systems to fleece and plunder the masses, concocted by scheming men in all generations, and handed down to us through so many centuries of time. The greatest wonder is that the Republican party has accomplished so much. Who does not know of the intolerance shown to our speakers nineteen years ago, when human beings living in this land of freedom used the sweet effluvia of addled eggs as a mild persuader for our orators to desist? Who does not know that the mails of the United States were closed against some of the best portions of the literature of the country? Nor could the other principle (the emancipation of chattel slavery) have been accomplished had it not been for the fact that "whom the gods would destroy they first make mad;" for the Repub-

lican officers had not taken the seats to which they were elected by a free, independent and determined people when the country was precipitated into a fratricidal war. Unfortunately, as has been the history of the world at all times, while the good and the virtuous were using their utmost endeavors to perpetuate Republican institutions, the viler portion of the nation were using the national calamity as a means to their own aggrandizement, and schemes to rob the people, commenced years before, were rushed through with accelerated velocity. Subsidies were given, corporations to enrich individuals were formed, and all were encouraged by the best as well as the worst men in the country. These corporations, never satisfied, are like the leech, always crying give! give! until they suck the very life's blood of the people. A reaction must and has come. The people demand that a limit shall be put to these things; that the corporations which are formed shall be a benefit instead of a curse to the people; and the Republican party rushes to the front and says amen! It is charged that the party is a tool of the Central Pacific railroad. A convention is held, and the Republican party is pledged to an honest reduction of fares and freights. We are also pledged to assert the right of the people to all the water courses and natural reservoirs in the State, the gift of the Creator to all the people, and hold them for the benefit of the entire community. We are pledged to other great and vital reforms. "But," say our opponents, "you are not in earnest; the corporations will give you the platform and take the men." In reply, the Republican party places at the head of its ticket a man whose record gives the lie to these statements. As I speak for the Thirteenth Senatorial District, I can safely say, and I challenge contradiction, that we have a State and District anti-monopoly ticket upon an anti-monopoly platform.

As I am limited to time, I cannot do more than touch upon some of the more vital issues of the campaign, local and State. The people of the city have been justly complaining of the terrible

PRICE THEY HAVE TO PAY FOR WATER—

A price, in many cases, [illegible] four to five times as much as water owned by the city [illegible] honestly conducted, would cost. I hold that the people ought to vote for no man for the Legislature who does not give his solemn pledge that he will, if elected, use all his power to have the price of water limited to a maximum, allowing the corporation a fair interest on the capital actually invested; that he is in favor of taking off restrictions from parties owning artesian wells, giving them an equal right with the other company to cross streets with their pipes and sell the water. The gas company is found to

be a discriminating monopoly, refusing to serve portions of the people without a large deposit, thereby locking up large amounts of money which the people desire to use. They should be compelled to serve all alike, and to pay the highest legal interest known to the State on all deposits. And at the earliest possible date, without throwing the city into the hand of the usurer, or saddling the people with an enormous debt, provide for the municipality's owning and controlling both water and gas.

LAND MONOPOLY.

Another most important matter for the people to take into consideration is land monopoly. Immense tracts of land are held in this State by parties, many of whom got them fraudulently, who will neither sell nor pay any amount of taxation upon them. Something should be done to open up these lands to honest and industrious settlers. Those twin iniquities, the Land bill, which Mr. Bidwell fathers with so much pride, and the Green bill, have jointly driven many families from their homes. Settlers with United States patents have been driven into court, and we have at least one decision on record in the courts of this State which says a United States patent is inferior to a grab with a State title.

It is a mistaken notion for the people of San Francisco to suppose this is only a question between the great landholder and the poor settler individually. It is a question which comes home to

THE HEARTHSTONE OF EVERY LIVING CREATURE IN THE STATE

And nation. Aside from man's right to occupy the soil as the natural gift of a bountiful Creator to all mankind; aside from the humanitarian view which desires to see all mankind happy and prosperous--there is a business view which shows that the inhabitants of San Francisco are robbed by the system. If it were not for land monopoly, the State, which is to-day comparatively a wilderness, would be dotted all over with the happy homes of small farmers. The great number of small farmers, by paying their proportion of the State taxes, would lessen the taxes of the people of this city. They would increase our trade, and furnish employment to the unemployed. Talk about San Francisco being the toll-gatherer. Why it is the land monopolist who gathers toll everywhere, and puts a blight on everything. He holds millions of acres of uncultivated land, refusing to sell except at an enormous price. He pays comparatively no taxes, shifting the burden on industry. He drives the poor into the cities to compete with one another for bread. He introduces cheap labor and the product of cheap labor to glut the market and make the struggle harder. He robs the employer of his

profits, and the employee of one-half of his earnings. He turns the widows and orphans into the streets to die of hunger. In fact, I know of no crime that cannot be directly or indirectly traced to that system of landed tenures which makes him a part of the social compact. And yet in spite of all this, there is a party in the field who claims to be the "only original" anti-monopoly party, who abuse every man as a monopolist who refuses to belong to their clan, who have not only no word of censure for this wrong, but actually put a man at the head of their ticket who is reputed to be a land monopolist of the most dishonest kind.

TAXATION.

Another issue of vital importance is taxation. Who has not heard of the high-handed robberies, fraud and perjury perpetrated through our present system? Who has not heard of the Tweeds and the Dodges of New York, and the Caseys of this city? And who is so simple as to suppose there are not thousands of others perhaps worse than any of these whose defalcations have never been made public? Why? Simply because our system furnishes office to placemen, and covers up their tracks if dishonest. Who, except the collector, can possibly know how many poll taxes are collected? Is there any possibility of knowing how honestly personal property is assessed? We are told to elect only honest men to office. Will any one have the hardihood to say that the great majority of the people who voted for defaulters did not believe them to be honest? Say, rather, let us have a system of taxation where every defaulter will be known, and where no premium will be held out for dishonesty.

Again, what ignoramus perpetrated upon the people

OUR LICENSE SYSTEM?

Think of a Paul Pry sent round every month or two to nose out the business of every honest trader, and make him pay a license for earning a living! Think of a poor orphan boy desiring to support himself and a sick sister by peddling a few goods, and cannot do so because he is not able to pay for a license, there being only one remedy left, that is to go to prison, either for violating the revenue law or stealing! Think of free men, pretending to be intelligent, making such unconstitutional laws. Our license system could not stand a day were it not that our judges do not decide according to law, nor Constitution, but according to precedent. Whoever has the longest purse to fee lawyers to hunt up precedents is most likely to win. And instead of deciding cases according to written law for free republican America, we go back two or three thousand years for *stare decicis* to despotic Rome be-

fore the advent of Christianity, or to monarchial England in the days of serfdom. Let me call attention to the decisions of the Supreme Court on our city water question. First, it decides in favor of the city by precedent; and within one year the same judges decide the same question and the same law against the city by precedent. Suppose we elect all our Representatives to the Legislature in favor of regulating the water question; will any one guarantee the Supreme Court will not declare the law passed unconstitutional? I, therefore, see no hope except in a Constitutional Convention. The people will be called upon to vote upon that question. Individually, I hope it will be carried.

THE MORTGAGE TAX.

We are told that a new Constitution has passed through its first stage, that we should vote against the Convention and in favor of that. That Constitution does not attempt to remedy any of the defects spoken of. Nay more, it makes our tax system more complicated. The mortgage tax, on which the people of San Francisco feel so keenly, is there made imperative. How it could pass the last Independent Assembly, controlled by the Independent members from this city, I am at a loss to know. Surely the people have, time and time again, given proof of their feeling upon this question. There seems to be a difference of opinion as to whether mortgages are property or not. The Independent Assembly, believing the argument to be the strongest in the negative, provide to tax mortgages by Constitution anyhow. Surely the history of the fraud and perjury perpetrated under our tax system would cause thinking men to study up some mode to remedy the evils complained of. A tax upon land values would put a stop to fraud and perjury. It would reduce the expense of assessing and collecting more than eighty per cent. It would reduce the tax of the industrious trader, mechanic and artisan of San Francisco more than one-half. It would break up the large landed empires in this State, and give them to the settler and cultivator. Under its working there could be no complaint of double taxation.

Some persons claim that a land tax would allow the millionaire to go free, while the poor farmer would have to pay all the expenses of government. Such statements are

IN THE INTEREST OF THE RICH.

Examine the record, and tell me how much William Sharon or Michael Reese pay upon their money or personal property. The money, which by hard work and the most pinching economy the mechanic and servant girl have saved, is taxed, the money of the millionaire is in uncultivated land, which goes

almost scot-free. And when he does have money, he is reputed to shirk the tax by bribing the Assessor, or sending it out of the State for a short time. If the people are not prepared to adopt the land tax system, let them adopt something more simple than the present. Let them by all means do away with the sneaking, inquisitive license, which sends nosing officials around every man's business, and robs the poor orphan of a chance of earning a living. Let perjury be abolished by taxing only property wherever it is found, and do away with the debauching nonsense of taxing debts and the evidences of debts. Another question, but one which seems to be lost sight of in this campaign, is personal liberty. Men, citizens of the United States, are imprisoned for no crime of their own, but because they were the innocent witnesses of crime. And while the criminal may run at large, the witness may be languishing in a black hole for some fancied offense against a criminal trusty, or to appease the spite of a brutal jailer. If our law imprisoned the rich as well as the poor there would have been an outcry that would have righted the wrong long ago. Let us wipe out by law and constitution the damning blot upon the fair fame of our city.

OVER-WORKED CAR DRIVERS.

We have in this city to-day a system of slavery far more exacting, far more wearing upon the individual than could be any system of chattel slavery. Men upon our street cars are worked from fourteen to nineteen hours per day, seven days in the week. True, the men can leave any time they like, but the fact that they do work these long hours is proof they are compelled to do so. If any man owned a chattel slave he would not think of working him more than ten hours per day, six days in the week, because if he worked him longer he would stand the chance of losing him, and, consequently, the price he paid for him. Acting upon this hypothesis, they work four relays of horses to one set of men on the street cars. If they worked their horses as long as they work their men they would not stand more than about a week. If one of their men falls sick and dies, that is none of their business; they can procure another without extra cost; but if one of their horses falls sick it is carefully attended to, and if it dies it costs the price of another. There is also another view to be taken of this question than sympathy for the poor; that is, protection to life and property. No one should be allowed to drive an engine, street car or other vehicle, where human life is at stake, who is over worked and does not have sleep and rest enough. How many lives have been sacrificed by engineers and switchmen whose over-taxed powers were not equal to the inordinate

greed of soulless corporations, and who were asleep when their wits should have been in the liveliest play. True, we have had only eight or ten murders by the street cars during the last two or three years. But these might have been prevented if the law compelled the companies not to over-work their drivers, and to have the proper protection to their wheels. Will any one deny that the law should protect life and property? If not, a law should be passed regulating the street cars and the hours of the drivers. And when Governor Booth vetoed the bill two years ago, he did it in the interest of corporations, and against the interests of life and property in this city.

WHERE THE REAL FIGHT IS.

In conclusion, I would say that the local question of this campaign is a fight between the people and the monopolies who oppress and plunder the people. When immense tracts of land are held by parties who will neither cultivate nor allow others to cultivate them, that is a monopoly of the worst kind. When the life's blood is worked out of men simply to save a few dollars to a grasping corporation, whether it is by wages, slavery, coolie slavery or chattel slavery, that is a monopoly of the worst kind. When a corporation has a city in its power through a water franchise, and compels the inhabitants to pay four or five times as much for water as they ought to pay, that is a monopoly of the worst kind.

When water courses and natural reservoirs are seized by private individuals and held for a speculation, that is a monoply of the worst kind.

When railroads, packet lines, gas companies, etc., can and do manage to buy off all opposition, and over-charge their customers, they are monopolies. When any politician, pretending to be opposed to all monopolies, writes long speeches and raises his voice against the last of these monopolies, and ignores the first, beware of him! beware of him! He is simply trying to ride into power upon the popular breeze; and if any waft of doctrine could possibly change the people into believing that these corporations are not so bad as they seem he would be the loudest in their praise.

For myself I would say, in coming before the voters of the Thirteenth Senatorial District as a candidate for State Senator, desiring the support of all, I could not afford to lose my manhood to be elected to any office. I cannot afford to play the demagogue, by riding upon the popular breeze and simply attacking only such corporations as it is popular to attack. Undying opposition to all monopolies that fatten upon the life's blood of the people is the dream of my life. It is not opposition merely because it is popular, it is because I believe in the right of the people to govern and con-

trol their own affairs for their own benefit. I believe if it were not for these monopolies the great masses of the people would be better fed, better clothed, better educated; would have to work less hours; have more pleasure and recreation. There would be more schools and fewer prisons; and all might be happy and prosperous where want, misery and crime now abound. I believe in human rights, in equality of all citizens before the law, and *in equal justice to all.*

DISTRICT PLATFORM.

Resolved, That we heartily endorse the platform enunciated and the ticket nominated by the Republican State Convention held in Sacramento, June 10th, 1875.

Resolved, That the nominees of this Convention especially pledge themselves to faithfully carry out to the best of their ability the following principles:

1. To regulate the price of water in the interest of the whole people of the city of San Francisco, allowing the Spring Valley Water Company only a fair profit on the unwatered capital actually invested.
2. To vote for the introduction of pure water, to be owned and controlled by the city, and supplied to the people either free or at cost, as the people themselves may determine.
3. To so regulate the gas monopoly as to prevent discriminations, and provide for the city being lighted at as early a date as possible by gas owned and controlled by the people.
4. That strict economy and humanity to the poor, who may be so unfortunate as to be locked up all night in our cells, which are now unfit for the incarceration of a dog, demand the speedy completion of the New City Hall, to which we faithfully pledge ourselves.
5. To vote against any scheme having for its object the enriching of a few, and thereby increasing the taxation of a large portion of the people who can have no interest whatever in the project.

Resolved, That we iterate and reiterate those resolutions in the Republican State platform relating to taxes, railroads, public schools and irrigation, and pledge our nominees to a faithful adherence to the same.

Resolved, That land monopoly is an evil, and could be broken up if the large holders were made, as they should be, to pay an equal amount of taxation for the support of Government.

Republican Nominees of the Thirteenth District.

SENATE:

JOHN F. KESSING, JOHN M. DAYS.

ASSEMBLY:

WM. ROBINSON, JOHN GRAHAM,
WM. EDE, JOHN M. STOCKMAN.

CAL.

STATE OF THE UNION.

SPEECH

OF

HON. HENRY EDGERTON,

OF NAPA,

ON THE

Resolutions upon the State of the Union,

DELIVERED IN THE

SENATE OF THE STATE OF CALIFORNIA,

Thursday, February 14th, 1861,

IN REPLY TO HON. H. I. THORNTON,

[REPORTED BY W. M. CUTTER.]

SACRAMENTO:
1861.

SPEECH.

The Resolutions upon the state of the Union being before the Senate for consideration—

Mr. EDGERTON said—

Mr. PRESIDENT.—The frequent allusions which have been made to me in the course of this debate, will afford me an ample apology, I trust, for again tres passing on the attention of the Senate. Coming, as we do, sir, from every State in the Confederacy; representing, as we do, every hostile element that now, upon a distant theatre, mingles in direful, threatening strife; engaged, as we have been, in free, unchecked interchange of thought and opinion, upon topics that appeal directly to so many local interests, to so many local passions and affections—it cannot but be to us a matter of just congratulation, that our deliberations have been conducted in the utmost friendliness of feeling, and with the most excellent good temper. Nor, sir, is this circumstance without a wholesome and an important lesson to us. For it does teach, that however alienated and estranged we may become when separated from each other by parallels of latitutde, however embittered against each other we may become, under the hateful influence of sectional fanaticism, yet, after all, when we assemble together, and consider our affairs in the calm light of reason and in a spirit of conciliation and justice, we soon discover that we are one people, having a common lineage, a common country, a unity of interests, and a unity of hopes.

In opening the debate upon the resolutions now under consideration, it occurred to me that much might, with propriety be said upon the origin, the nature, and the character of our Government. It seemed to me, sir, that we could not well determine upon secession and nullification, now asserted as constitutional rights, without first determining what that Constitution, under which it is claimed these rights may be exercised, is; without first ascertaining, with all possible accuracy and precision, what is the scope of its powers; what are the duties, burdens, and obligations it imposes; and upon whom and what they are imposed—whether, (as the honorable Senator from Sierra has told us), upon the people of *States*, in their sovereign, independent, corporate capacity, or whether directly upon individuals and things. Animated by these considerations, sir, I submitted to the Senate, at some length, and with some minuteness of detail, the opinions I entertained upon these topics. I fortified them with what of logic I could bring to bear, and with what of authority I had at my command. The Senator from Mariposa, (Merritt)—I regret that I do not see him in his seat this morning—deemed my observations, on that occasion, worthy of reply. He, however, as it seemed to me, most cavalierly and superciliously disposed of this portion of my remarks, by saying:

"I do not propose to myself the cheap labor of collecting the ideas of the great statesmen who have preceded us. I do not propose to array the various arguments which the exhaustive intellects of the last three-quarters of a century have accumulated upon the subject of the origin and character of our political system, and the relative rights of the Federal and State Governments."

And again, further on in his speech, by saying:

"If the Senator, [Edgerton] had confined himself to the discussion of the question of Secession, as a Constitutional or as an arbitrary right under our system of Government, we might have acknowledged our obligations to him for repeating to us the arguments with which we are all familiar; and most of us would have admitted the justness of his views."

Sir, in my judgment, the Senator greatly underrates the value of these topics in this discussion. One of the resolutions under consideration—the only one of the series that has excited that Senator's opposition—expressly declares a distinct theory of our Government; a theory that directly negatives the right of secession and nullification.

These topics become important, sir, from another point of view. The apologists of the South, both there and here, in this Senate, in the other wing of the Capitol, and through the public press, expressly admit and justify the conduct of the seceding States, by the right of secession and nullification as *Constitutional* rights. And that Senator [Merritt] will pardon me for another remark, made in no unkind spirit towards him, I assure him: that, however profound he may be upon these various topics, the costive reserve and unbroken silence *he* has maintained upon them throughout his entire speech, furnish us with no evidence of any familiarity with them, on his part. As between the honorable Senators from Mariposa and Sierra and myself, this whole controversy turns upon these topics. Neither of them denies that the attitude of the seceding States, as toward the General Government, is that of revolution, neither of them attempted to justify it except upon the inalienable right of revolution, and the rights of secession and nullification. And while the speech of the Senator from Mariposa [Merritt] does, by the clearest implication, admit, that of the Senator from Sierra expressly *declares*, that there is no cause for *revolution*. Hence, sir, as between those two Senators and myself, I say this whole controversy must turn upon the logical solution of these two questions of secession and nullification.

The honorable Senator from Sierra, in a speech, bold, masterly, and ingenious; abounding in strains of impassioned eloquence, replete with a beauty as sweet and pleasing as the stanzas of a poem, and yet compact and massive as the granite, has given a prominent place to these topics. More than this, sir, by the magic of his ingenious skill, by the seductions of his splendid rhetoric, he has wrought secession and nullification—hideous in their native deformity—into shapes that please, dazzle, and attract us. More than that, sir. When I heard that speech; as I saw its splendid surroundings; as I saw prominent, celebrated, eminent

political characters around that gentleman, (Thornton,) drinking in every thought that he uttered, as the sweetest music; taking it in connection with the declaration of the honorable Senator from El Dorado, (Crittenden), that he, too, rose in his place and spoke for thirty thousand men, I was compelled to believe that the honorable Senator from Sierra was announcing doctrines that were about to become leading and cardinal tenets of *an administration* party, once powerful in this State, now in the stages of rapid dissolution, as I believe, and soon to become extinct forever, I hope. [Applause.]

Sir, if the positions I insist upon are tenable, then the Constitution under which we live creates a great, powerful, and central Government; a Government to which each individual citizen in the whole United States, owes direct obedience and allegiance; a Government that is clothed with power to preserve itself, and to protect itself against attack, external or domestic, and with power to execute *all* its laws. If, on the contrary, the propositions which the honorable Senator from Sierra contends for, are tenable, then, instead of such a Government, we have a poor, puny, halt, and impotent compact; and nothing can excite our wonder more, than that, instead of withstanding the rude shocks of seventy years, it has not, long ere this, lodged on the shores of time, a stranded wreck, I invite that Senator to retrace with me his footsteps over the ground he has so majestically traveled.

First, then: What is this Constitution? I apprehend, sir, that this is a subject which has to be mainly argued from what appears on the face of the instrument itself. Prior, however, to entering upon this examination, I desire to call the attention of the Senate to a brief view of the history which preceded the formation of the Constitution.

No sooner, sir, had the Colonists severed, or determined to sever, their connection with the mother country, than they saw at once the absolute necessity for the exercise of associated power. Benjamin Franklin, then in London, in 1773, I believe, first foreshadowed the idea of a Continental Congress, to be composed of an assemblage of the Representatives of the different Colonies, for the purposes of a more perfect union, and for the further purpose of a United Government. To use his own language:

"As the strength of an empire, depends, not only upon the union of its parts, but on their readiness for united exertion of their common force."

The House of Burgesses, of Virginia, first carried this notion into practical execution. They instructed their Committee of local correspondence, to communicate with the similar Committees of the other Colonies; and the result was, that a Congress of the delegated Representatives of the different Colonies assembled at Philadelphia, in 1774. The honorable Senator, (Thornton), has called our attention to the Declaration of Independence, which was passed by the Revolutionary Congress in 1776. He tells us that it was an act by which the people of the *States*, as separate, independent sovereignties, declared the Independence of each *State*. Do I state the honorable Senator aright?

Mr. THORNTON—Declared the independence of each *State*, by name and enumeration.

Mr. EDGERTON—By name and enumeration! Now, sir, that is not my view of that act. I infer from what appears upon the face of the Declaration itself; from the purposes for which it was proclaimed to the world; from the mode in which it was enacted, and from the authorities to which I shall refer, that it was the *joint* act of all the *people* of the United Colonies—that it was not a declaration by each State, of its own independence, as claimed by the honorable Senator [Mr. Thornton,] but a united expression, emanating from all of the people of the Colonies, collectively, declaring the independence of each; and I think it furnishes a key to the interpretation of the instrument under which we now live. I desire to call the attention of the Senate to a little authority on this subject, and I would state here, sir, that the authorities I shall use, mainly come from below Mason and Dixon's line.

Chief Justice Story says, upon this act.

"But the declaration of the independence of the Colonies was the *united* act of all It was 'a declaration by the Representatives of the United States of America, in Congress assembled;' 'by the delegates appointed by the good people of the Colonies,' as in a prior declaration of right they were called. *It was not an act done by the State Governments then organized; nor by persons chosen by them.* It was emphatically the act of the *whole people of the United Colonies*, by the instrumentality of their Representatives, chosen for that, among other purposes. It was an act not competent to the State Governments, or any of them, as organized under their charters, to adopt.

These charters neither contemplated the case nor provided for it. It was an act of original, inherent sovereignty, by the people themselves, resulting from their right to change the form of government, and to institute a new government, whenever necessary for their safety and happiness. So the Declaration of Independence treats it. No state had presumed, of itself, to form a new government, or to provide for the exigencies of the times, without consulting Congress on the subject; and when they acted, 'it was in pursuance of the recommendation of Congress.'

It was, therefore, the achievement of the whole for the benefit of the whole. The people of the United Colonies made the United Colonies free and independent States, and absolved them from allegiance to the British Crown. The Declaration of Independence has accordingly always been treated as an act of paramount and sovereign authority, complete and perfect *per se*, and *ipse facto*, working an entire dissolution of all political connection with, and allegiance to, Great Britain; and this, not merely as a practical fact, but in a legal and constitutional view of the matter, by courts of justice."

I now call the Senator's (Thornton) attention to an authority which, I have no doubt, will meet with his respect, if not with his assent. I allude to Charles Pinckney, of South Carolina, one of the framers of the Constitution. He says, in reference to the Declaration:

"This admirable manifesto (i. e., the Declaration of Independence) *sufficiently refutes the doctrine of the individual sovereignty and independency of the several States.* In that Declaration the several States are not even enumerated; but after reciting, in nervous language and with convincing arguments, our right to independence, and the tyranny which compelled us to arrest it, the Declaration is made in the following words: 'We therefore, the Representatives of the United States, &c., do, in the name, &c., of the good people of these Colonies, solemnly publish, &c., that these United Colonies are, and of right ought to be, free and independent States.' *The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who framed this declaration.* The several States are not even mentioned by name in any part, *as if it was intended to impress the maxim on America, that our freedom and independence arose from our union, and that without it we could never be free or independent.* Let us then consider all attempts to weaken this Union *by maintaining that each State is separately and individually independent, as a species of political heresy, which can never benefit us, but may bring on us the most serious distresses.*"

Mr. THORNTON—If the Senator will allow me. The Senator perceives that the Declaration of Independence itself declares these "free and independent *States.*"

Mr. EDGERTON—Precisely. That I concede. But I say that that act of declaration was the united act of *all* the *people*; and that each State did not become through that declaration, independent, by virtue of its individual and several declaration, but by the *joint* declaration of *all* the *people* together, represented in that Congress. Do I make myself clear?

Mr. THORNTON—You make my view so much the stronger. Not only did those States declare themselves severally independent, but that independence was declared for them severally by all the other States.

That fortifies the declaration of each State in its own behalf.

Mr. EDGERTON—That is matter of argument. I submit that portion of my remarks to the judgment of the Senate. Now then, sir, the Revolutionary Government which prevailed under the Continental Congress, thus called, was attended with the most serious difficulties. The authors of it soon discovered its sad deficiencies. It had no chief executive officers; it had no fundamental law; it had no control over individuals; it did not apply to things. There was no tribunal, for instance, by which questions of prize could be determined. The Congress could not levy taxes, directly, on the people. They could not establish imposts. And then it was that they adopted what are called the Articles of Confederation—a written instrument, defining certain powers vested in Congress by the several States uniting under it. That instrument, as it appears on the face of the document, was a compact, league, a confederation, a contract—if you so choose to call it—between the States. Under it, the Congress had power to make treaties with foreign powers; and—among the enumerated powers—could emit bills of credit, and make requisitions upon the several States for troops and money. And here I call the Senator's attention to the fact that that instrument did operate directly on States in their corporate capacity; that, under it, the Congress had power to require States, for general, national purposes, to furnish quotas of arms, money, &c.

But, sir, that, too, was found to be inefficient. States were refractory; States were delinquent. Congress made treaties, and States refused to observe them. Congress issued its requisitions under those Articles of Confederation, and the refractory States, held them at arms length, and refused to comply. Commerce decayed; every element of prosperity languished. They were unable to execute any of the purposes for which the Articles of Confederation were established; and they bade an affectionate adieu to this compact, this league, this confederation, and established the Government under which we now live.

Now, sir, from this brief review of history, I draw these inferences:

First—That the Colonists did, at an early day, feel the absolute necessity for an exercise of associated power.

Second—That power was thus associated; that it passed through successive stages of centralization and consolidation, until it became converted from the Revolutionary Government which I have described, into a grand, central, consolidated power, under the Constitution—as I shall now attempt to demonstrate.

Now, sir, as I said before, what this Constitution *is*, must, perhaps, be principally argued from what appears upon its face. I open the book, and the first words that strike me are: "We, the people of the United States." The honorable Senator (Thornton,) with a theatrical air, tells me that this is "a miserable subterfuge." Sir, in my judgment, it is a key, the first key we find to the interpretation of the whole instrument. Now, then, let me state his proposition once more, for the purpose of accurate reasoning. The Senator says, that this Constitution is a Constitutional compact; or, that it is a contract between the people of the *States*, in their separate, corporate capacity. Do I state the Senator aright?

Mr. THORNTON—It is a Constitution of the people of the *States*.

Mr. EDGERTON—Precisely. Again, he says, it is a mere accredited agency of the people of the *States*. The construction put upon these words, "We, the people, &c.," drives the honorable Senator to the necessity of assuming that there were originally but nine parties to the Constitution, or, as he is pleased to denominate it, the "Constitutional Compact," and that these nine parties were the people of the States, acting together in their seperate, sovereign, corporate capacity, as a unit, because he says that at the time of the ratification, there were nine parties to the ratification; those parties being the people of the nine States, in their several corporate capacities, as independent sovereigns. Now, I apprehend those words mean an entirely different thing, and I now call the attention of the honorable Senator to a little authority upon this subject. I find in the State of Virginia, at the time this Constitution was submitted to the Convention of that State, for ratification, a violent opposition to it; an opposition led by the fiery eloquence and declamation of Patrick Henry; and I find him making this declaration, in the first stages of their proceedings:

"That this is a *Consolidated Government* is demonstrably clear; and the danger of such a Government is, to my mind, very striking. I have the highest veneration for those gentlemen (meaning the gentlemen who framed the Constitution); but, sir, give me leave to demand. What right had they to say, *We, the people?* My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, Who authorized them to speak the language of *We, the people*, instead of, *We, the States?* States are the characteristics and the soul of a confederation. If the States be not the agents of this compact, it must be one great, consolidated, National Government, *of the people of all the States*."

Again, Mr. Henry, at a subsequent stage of the debate, says—and I read the reference now, for the purpose of keeping his declarations together:

"The fate of this question and of America may depend on this. Have they said *We, the States? Have they made a proposal of a compact between States?* If they had, this would be a confederation. It is otherwise most clearly a *Consolidated Government*. The question turns, sir, on that poor little thing—the expression, *We, the people*, instead of the *States* of America."

Now, then, let us see what was said in reply to him. Mr. Nicholas said, speaking of Mr. Henry's remarks:

"But he objects to the expression, 'We, the people,' and demands the reason why they had not said, 'We, the United States of America.' In my opinion, the expression is highly proper: it is submitted to the people, because *on them it is to operate;* till adopted, it is but a dead letter, and not binding on any one; when adopted, it becomes binding on the people who adopt it. It is proper on another account. We are under great obligations to the Federal Convention, for recurring to the people, the source of all power."

I hope the Senator, while I am reading these extracts, will keep in mind his distinction—which I will come to in a moment—between the people of the States, and State Governments.

Again, Mr. Corbin says;

"The introductory expression of 'We, the people,' has been thought improper by the honorable gentleman. I expected no such objection as this. Ought not the *people*, sir, to judge of that government whereby they are to be ruled? We are, sir, deliberating on a question of great consequence to the *people of America*, and to the world in general."

But, sir, I will call the Senator's attention to authority of a later date.

Mr. THORNTON—I wish, Mr. President, to inquire of the Senator just here, if all that reasoning was not answered and overturned by the action of the Virginia Convention itself, when it demanded, in its ratification, clauses to be appended to the Constitution as amendments, which reserved all the undelegated powers, in the language of the amendments themselves, "to the States?"

Mr. EDGERTON—No, sir. I will come to that proposition further along in my argument. But I now call the honorable Senator's attention to the authority of the Supreme Court of the United States, in the Dred Scott case. [19 Howard, page 404.] I suppose, sir, this opinion is entitled to, and I suppose it enjoys, the

respect of the honorable Senator from Sierra. I presume he has held it up to the people of his section of the country as the grand pillar of all the rights which he ever did claim, or expects to claim, for the Southern people. Now, sir, they have given a direct judicial interpretation to this expression, "We, the people." And they not only tell us—(and I call the attention of the Senate to this point)—what the words "We, the people," mean, but what kind of a people we had become, in a governmental sense, by the force of that expression. The Court say:

"The words 'people of the United States,' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. They are what we familiarly call the 'sovereign people,' and *every citizen is one of this people, and a constituent member of this sovereignty.*

I call the honorable Senator's attention to the last expression, which negatives his whole theory. Because, if his theory is true, it is the people of the States in a corporate capacity, as one people, as a unit, that forms a *constituent element* in the sovereignty. If my position is true, however, and if the Constitution *does* operate directly upon individuals, and upon things, it is the *individual citizen himself* who is the constituent element of the sovereignty; not the people of a State in a corporate capacity, forming one people. Chief Justice Taney, announcing the decision of the majority of the Court, says:

"They are what we familiarly call the 'sovereign people,' *and every citizen is one of this people,* and a *constituent member of this sovereignty.*"

I commend that decision to the honorable Senator's study and consideration.

Mr. THORNTON—Will the gentleman pass me the volume?

Mr. EDGERTON—So much for the subject of "We, the people." Here I call the attention of the Senate to the language of the old articles of confederation, in contradistinction to this expression, "We, the people," etc., in the Constitution. Now, sir, it is true, that if the honorable Senator's theory is correct, it makes out of this Government nothing more than a confederation, nothing more than a league. If his theory is true, this Government is nothing more than it was before the Constitution was formed. That was Mr. Calhoun's position—(I presume the gentleman [Thornton] will assent to it now)—that the Government under which we now live is a league; that, being formed by independent States—that is, by the people of each State as a unit; there being nine parties to it, as States—therefore, as a consequence it must result that it is a league, a confederation, a compact, as it is called—

Mr. THORNTON—(interrupting)—A constitutional compact.

Mr. EDGERTON—That is a point I will come to by-and by.

Mr. THORNTON—It is very different from the old confederation.

Mr. EDGERTON—I agree with the honorable Senator entirely on this point. Now, let us recur to the articles of confederation, which did establish a league, and observe its language. It says:

"Articles of confederation and perpetual union between the *States of New Hampshire, Massachusetts Bay, Rhode Island, etc.*" (enumerating them by name.)

That was the language of compact. It was the language of compact between the States, as States. But how vastly different is the language which first appears in this preamble; "We, the people." I say that the substitution of the words "We, the people," for "We, the States," does show conclusively, to my mind, that the framers of the Constitution understood, and those who adopted it understood, that they were inaugurating an entirely new system—such a system as had never before appeared in the world. That they were substituting for a form of Government—

Mr. THORNTON—I dislike very much to interrupt the gentleman, and the attention of the Senate.

Mr. EDGERTON—I am very glad to have the Senator do so.

Mr. THORNTON—I do so, because I would like to travel with the Senator in his discussion. He has read from Mr. Justice Taney's opinion in the Dred Scott case. Now, for a more explicit interpretation of the phrase, "We, the people," I wish to read another section from the very same.

"The brief preamble sets forth by whom it was formed, for what purpose, and for whose benefit and protection. It declares that it is formed by the people of the United States; that is to say, by those who were members of the different political communities in the several States."

Mr. EDGERTON—That is my view.

Mr. THORNTON—That is an explicit declaration by Chief Justice Taney himself.

Mr. EDGERTON—(reading)—"The preamble sets forth by whom it was formed, for what purpose, and for whose benefit and protection. It declares that it is formed by the people of the United States; that is to say, by those who were members of the different political communities in the several States."

That is what I say, too. They were all members of the different political communities, but the Constitution regarded them as members of another great unity, extending over the whole when it was adopted; as is clearly shown by the portion of the Dred Scott decision which I have quoted. We must take the whole opinion together; and the Court *does* say that every citizen is one of this people, and is a constituent member of this sovereignty. Well now, "constituent members of the sovereignty" must mean something. If the gentleman's theory is correct, that it is the people of a State as one people, as a unit, that is a member of that sovereignty, it cannot mean each individual in the United States. Therefore I say the true interpretation of the opinion *does* negative his theory. So much, sir, for the words "We, the people."

But the gentleman says this is a "constitutional compact." Let me remind him that, in the discussion of grave questions of constitutional law, words are things. We must ascertain the precise value of each term we use, and weigh its meaning with the utmost exactness, in order to arrive at satisfactory results. The words "constitutional compact" nowhere occur in the Constitution. He cannot find the qualifying adjective "*constitutional*," anywhere in that instrument. He cannot find the word "compact" in the document but once. It appears in section 3, article 1, where it is expressly declared that "no State shall ever enter into a 'compact' with another State without the consent of Congress." In ordinary legal parlance we say of a law, compact, or contract, that it is constitutional or unconstitutional; that is, that it is valid or invalid, accordingly as it is in harmony or conflict with that organic, fundamental, paramount, written law, to which, under our form of government, all legislation and all business transactions are subordinate. And it is only by reference to this "higher law" that the word "constitutional," as applied to an act of legislation, or to a compact, or contract, either between States or individuals, has any definite force or meaning. It must be quite evident that the term is grossly misapplied by the honorable Senator (Thornton) when he prefixes it to the instrument under discussion; first, because that instrument was itself ordained and established as an organic

fundamental and supreme law of the land, to which every enactment, both of the Federal and State Legislatures, and every compact or contract, either between States or individuals, must be subject; and secondly, because there is no other law above this instrument to which it can be referred, and its "constitutionality" determined. Now I ask the honorable Senator when he brings together these words, "constitutional compact," what force the adjective "constitutional" has there, as applied to compact? Who ever, as Webster once said in reply to Calhoun, heard of a constitutional compact? of a constitutional league? of a constitutional confederacy? Sir, the gentleman has interpolated words into that instrument that are nowhere to be found in it. He has to drag down nouns and substantives from their dignity and force, and convert them into mere miserable adjectives, to carry out his theory. He may call this verbal criticism and verbal subterfuge, but I tell him it is not. Taken in connection with the words "ordain and establish," those pungent, nervous, all-meaning Anglo Saxon words that appear in the preamble, I say it is a legitimate criticism, and it crushes his theory into the dust. Who ever heard of ordaining, establishing a league? Who ever heard of establishing, ordaining a confederacy? But, sir, when you come to talk about organic, fundamental laws, about an overruling, supreme system of government, then the words that appear in that preamble are harmonious, forcible, and easily explained.

Again, the gentleman says it is a "contract;" using that word as entirely synonymous with the word "compact." Now, what is a contract? The honorable Senator is a lawyer of learning and experience. He will agree with me, that the best accredited definition of a contract is, that it is an agreement between two or more persons, upon consideration, to perform, or to abstain from performing, a certain act. Contracts generally set out the names of the parties, generally disclose what is to be done by one party, and what is to be done by the other party as an equivalent. I now ask the gentleman to show me anything on the face of this instrument itself, to indicate the language of a contract. I pause for a reply.

Mr. THORNTON—I refer the gentleman to the only section in Art. 7 of the Constitution. It reads:

"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

Mr. EDGERTON—Is that all? That, Mr. President, is somewhat in advance of my argument here; but when I come to it I will recur to it in this connection. That is *all* there is. Now I undertake to say that that does not mean, and there is not, in the whole range of that instrument, anything indicating, that it is a contract; but that it is an instrument that speaks in authoritative language; in language of injunction; that it is an instrument which says to the people, North, South, East, and West, you *shall* do so and so; that it is mandatory and declaratory; and that there is nothing in it, which brings the people of the different *States* into the relation of contracting parties.

Now then, let us see further about this matter of the Constitution being a contract between sovereign States, which, as is well understood, was charged, at the time the Constitution was under consideration, in the different Conventions. I call the honorable Senator's attention to the proceedings in the Convention of the State of Pennsylvania, held for the purpose of adopting and ratifying this Constitution. That was the first State, I believe, in which such a Convention was held. Mr. Wilson, a delegate to the Convention which framed this Constitution, and a member of the Pennsylvania Convention which met to ratify it, says:

"We were told, some days ago, by the honorable gentleman from Westmoreland, (Mr, Findley,) when speaking of this system and its objects, 'that the Convention, no doubt, thought they were forming a compact, or contract, of the greatest importance.' Sir, I confess I was much surprised, at so late a stage of the debate, to hear such principles maintained. It was a matter of surprise to see the great leading principle of this system still so very much misunderstood. 'The Convention, no doubt, thought they were forming a *contract!*' I cannot answer for what every member thought; but I believe it cannot be said that they thought they were making a contract, because *I cannot discover the least trace of a compact in that system.* There can be no compact unless there are more parties than one. It is a new doctrine that one can make a compact with himself. 'The Convention were forming compacts!' With whom? I know no bargains that were made there. I am unable to conceive who the parties could be. The State governments make a bargain with one another; that is the doctrine that is endeavored to be established by gentlemen in opposition—that State sovereignties wish to be represented! But far other were the ideas of the Convention, and far other are those conveyed in the system itself.

As this subject has been often mentioned, and as often misunderstood, it may not be improper to take some further notice of it. This, Mr. President, *is not a Government founded upon compact;* it is founded upon the *power of the people.* They express in their name and their authority—'*We the people do ordain and establish,*' etc.; from their ratification alone it is to take its constitutional authenticity; without that, it is no more than *tabula rasa.*

I know very well all the commonplace rant of State Sovereignties, and that Government is founded in original compact. If that position was examined, it will be found not to accede very well with the true principles of free Government. *It does not suit the language or genius of the system before us.* I think it does not accord with experience, so far as I have been able to obtain information from history."

Mr. Wilson, again, says—and I call the Senator's attention to this, particularly—:

"I have already shown that this system is not a compact, or contract; the system itself tells you what it is; it is an *ordinance* and *establishment* of the *people.* I think that the force of the introduction to the work must by this time have been felt. It is not an unmeaning flourish. The expressions declare, in a practical manner, the principle of this Constitution. It is *ordained* and *established by the people themselves;* and we, who give our votes for it, are merely the proxies of our constituents. We sign it as their attorneys, and, *as to ourselves, we agree to it as individuals.*"

Mr. Wilson does not tell us that the people of the great State of Pennsylvania agreed to the Constitution, as a unit; as a party to a compact in their collective, corporate capacity, as one people.

Mr. THORNTON—He (Wilson) was one of the signers of the Constitution, was he not?

Mr. EDGERTON—Yes.

Mr. THORNTON—With reference to the last sentence uttered in the Constitution, here is the declaration relative to the Constitution:

"Done in Convention, by the representatives of the *States* present."

Mr. EDGERTON—Here is a verbal misunderstanding between the honorable Senator and myself. He is talking about *States.* We have got to look into the declarations of the delegates, and see what they meant.

Mr. THORNTON—This is a declaration.

Mr. EDGERTON—And what I have read is a solemn declaration of Mr. Wilson, relative to the charge that the Constitution was a compact, a compact between States, stating that it has none of the features of such an instrument; that, as the Constitution, the fundamental, organic law, it spoke to the people of the *whole* United States in mandatory language, commanding them to do, and not to do. And there is nothing I apprehend, in the whole history of the instrument, in the whole range of everything Mr. Wilson ever said or wrote, tending to the belief or the assumption that, by that ratification clause in the Constitution, it was designed to be a compact, a contract between the people of the *States.*

But again, the gentleman tells us that this Constitu-

ion is a mere accredited agent. I ask him again, to ell me, from the face of the instrument, what there is howing that it is an agency. I pause for a reply.

Mr. THORNTON—I stated, Mr. President,—and it s the position which I assume—that the States, as arties, went together and accredited this Government s an agency for carrying out certain specific powers which were delegated and enumerated. So far as finding, in the instrument itself a declaration of this nature, is concerned. I have referred the gentleman to Art. 7. I also refer him to the history of its foundation, to show the same thing. Then I say, look at the nstrument itself, and you see throughout that it is but mere agency of the States for the purpose of carrying nto effect certain granted powers. And then, having hown that it so exists, that it so stands separate from he States, ordained by them for those specific purpoes, I ask him to show on the face of the instrument itself, or anywhere about it, anything to make it appear that it is anything else but such a governmental agent.

Mr. EDGERTON—I asked the honorable Senator to show me on the face of the instrument itself, that it is, to use his own language, "a mere created agency of the people of the States"—and he replies by referring me to the history of the formation of the Constitution, and by asking me to show to him, how it is not such an agency. It is right here that he falls into his first, fundamental error. It lies in a confusion of the Constitution, itself, with the mode it has provided for administering the Government created by it. The Constitution is the organic, fundamental law, sovereign and supreme throughout the land. It creates a Government. And the only thing I can discover in it, partaking of the character of an agency, is the administration of the powers it confers, by the officers whom it appoints for this purpose.

In one breath the honorable Senator tells us that the Constitution is a "constitutional compact" a mere "contract" between "Sovereign States." In another, that it is a mere "created agency between Sovereign States." Does he not instantly perceive into what a strange jumbling of terms and of ideas he is brought? A "constitutional contract" is one thing; and an agency, is another, and an entirely different thing. I leave it to the honorable Senator's ingenuity to reconcile the two, and make them synonomous, when used as terms for the purpose of construing our Constitution.

Mr. THORNTON—As this is perhaps a starting point, I wish to be understood. What I mean to say, is this: That the States went together, as parties, and formed a contract. That they wrote the Constitution, which was the articles of contract. That that Constitution established a confederated, a general Government, with certain powers, which it, as the agent of all the States, was intended and expected to carry out.

Mr. EDGERTON—Very well. Now again. The gentleman, with a great deal of confidence, referred us to the opinion of Chief Justice Marshall. He cited to our attention, the case of Jonathan Robbins. It is true Chief Justice Marshall did give utterance to the sentiments which the gentleman attributed to him. But Mr. Marshall was then a representative in Congress; a representative from the State of Virginia. He was speaking upon a subject about which his constituents were inflamed to the very highest pitch. He was speaking, sir, as a politician, about the powers of the Supreme Court, under the Constitution. Years afterwards, when Mr. Marshall occupied the very highest position, perhaps, under our Government, next to the Presidency, he had occasion to examine this Constitution and to render a judicial decision on the very question, now pending between the honorable Senator and myself, as to whether it was a compact or a Constitution; as to whether it was a compact between the people of the *States*. Now then, I appeal from Marshall the prejudiced politician, to Marshall the solemn, sober and serious Judge.

In the case of M'Culloch *vs.* The State of Maryland, which arose in 1819, the very question as to whether the Constitution was a compact between States, or not, arose before the Supreme Court of the United States. I wish, however, here to use as authority in substantiation of the views I entertain, an opinion of Mr. Pinckney of Maryland; a gentleman who I presume the honorable Senator from Sierra will concur with me in saying, was one of the most profound constitutional lawyers of any age or country, and one of the brightest ornaments of the American Bar. He says, on this subject:

"This question depended both on authority and on principle. No topics to illustrate it could be drawn from the confederation, since the present Constitution was as different from that, as light from darkness The former was a mere federative league; an alliance offensive and defensive between the States, such as there had been many examples of in the history of the world. It had no power of coercion but by arms. Its radical vice, and that which the new Constitution was intended to reform, was *legislation upon Sovereign States in their corporate capacity*. But the *Constitution acts directly on the people*, by means of powers communicated directly *from the people*. *No State, in its corporate capacity*, ratified it; [I call the gentleman's attention to this, as he has mine to the ratifying clause in the Constitution.] but it was proposed for adoption to popular Conventions. It springs from the people, precisely as the State Constitutions spring from the people, and acts on them in a similar manner *It was adopted by them in the geographical sections into which the country is divided*. The federal powers are just as sovereign as those of the States. *The State Sovereignties are not the authors of the Constitution of the United States*. They are preceding in point of time, to the national sovereignty, *but they are postponed to it in point of supremacy, by the will of the people*. The means of giving efficacy to the sovereign authorities vested by the people in the national Government, are those adapted to the end; fitted to promote, and having a natural relation and connection with, the objects of that Government. The Constitution, by which these authorities, and the means of executing them, are given, and the laws made in pursuance of it, are declared to be the supreme law of the land; and they would have been such, without the insertion of this declaratory clause."

Now let us see what Chief Justice Marshall says in determining the case. And I will here state, that the question directly at issue, was: Whether a law of the State of Maryland, in conflict with an Act of Congress declared to be constitutional, was of any binding force? And the further question, distinctly brought to issue before the court, was: Whether the Constitution of the United States was a compact between Sovereign States? as it is now declared to be by the honorable Senator from Sierra. And I wish that Senator to keep in mind, when we come to talk about the powers of the Supreme Court, that in this instance the Supreme Court gave the law to a Sovereign State, and *negatived a State law*; for the Court declared the law of Maryland null, of no force and void; and it fell to the ground. Chief Justice Marshall took this ground:

"In the case now to be determined, the defendent, a Sovereign State, denies the obligation of a law enacted by the legislature of the Union, and the plaintiff, on his part contests the validity of an Act which has been passed by the legislature of that State. The Constitution of our country, in its most interesting and vital parts is to be considered; the conflicting powers of the Government of the Union and of its members, as marked in that Constitution, are to be discussed; and an opinion given, which may essentially influence the great operations of the Government. * * * * * *
In discussing this question, the counsel for the State of Maryland have deemed it of some importance, in the construction of the Constitution, to consider that instrument not as emanating from the people; but as the act of sovereign and independent States. The powers of the general Government, it has been truly said, are delegated by the States, who alone are truly sovereign; and must be exercised in subordination to the States, who alone possess supreme dominion.

It would be difficult to sustain this proposition. The Con

vention which framed the Constitution was indeed elected by the State Legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation, or pretensions to it. It was reported to the then existing Congress of the United States, with a request that it might 'be submitted to a Convention of Delegates, chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification.' This mode of proceedings was adopted; and by the Convention, by Congress, and by the State Legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectively, and wisely, on such a subject, by assembling in Convention. It is true, they assembled in their several States—and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass. Of consequence, when they act, they act in their States. But the measures they adopt do not, on that account, cease to be the measures of the people themselves, or become the measures of the State Governments."

I call the honorable Senator's attention particularly to this case. And I do not wish to slur over any portion of the opinion. He (Marshall) enunciates one proposition, to wit:

"No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass."

Which, taken independently by itself, might, perhaps, give countenance to the theory asserted by the honorable Senator from Sierra (Thornton.) But, taken together with the rest of the opinion, it is clearly manifest that he (Marshall) used this language precisely in accordance with the views of Mr. Pinckney, and in a geographical sense.

Now, sir, when the Chief Justice tell us that this Constitution was not a compact between the people of the States in their separate, sovereign capacity, I suppose, taking that declaration in connection with the rest of the opinion, that he must mean that its ratification, as provided for in the Constitution, was simply a mode adopted for the purposes of convenience, etc.

In one portion of the speech of the gentleman from Sierra, he says:

"I differ with the gentleman (Edgerton) in considering this Government to represent the people."

He (Thornton) says the government does not represent the people.

Mr. THORNTON—Excuse me. I never said the Government did not represent the people.

Mr. EDGERTON—If the gentleman said what he did not intend or mean—

Mr. THORNTON—(interrupting)—I never uttered the expression. And differing with the gentleman, in the most respectful manner, I never did declare that the Constitution was not the act of the people of the States. I differed with that part of the gentleman's speech, where he said it was the act of the people, irrespective of State lines. And, from the beginning to the end, the main point in my whole argument is, that it is the act of the people of the separate States. I never assumed any other position.

Mr. EDGERTON—The gentleman will have no trouble with me about technicalities. He proved himself above them, and I shall try to do the same thing. But what I urge, is so. Here it is:

"It has been proved true by the history of the world, that we have to guard jealously this thing of power. We have to throw around it all the guards which can be conceived by the ingenuity of man, and even then, when let alone, we find it has been, as in the instance cited by the gentleman, making constant, silent, often violent usurpations of power; first beginning with a claim and afterwards making a declaration. *This leads me to say that I differ with the gentleman in considering this Government to represent the people.*"—[*Union Report*]

Mr. THORNTON—In their collective capacity.

Mr. EDGERTON—That qualification is not added. The honorable Senator cannot differ with me substantially, as to my statement of his proposition; for his whole theory drives him to the necessity of asserting that the Constitution represents the people of a State in their collective corporate capacity, as a unit; while I, in antagonism to this position, maintain that it represents each individual citizen of the Republic. I understand what the Senator means in the quotation I have read from his speech.

Mr. THORNTON—In the heat of debate I may have let fall some such expression as that attributed to me. But I was then contending for the rights of the people of the States, and saying that they should be guarded and protected from usurpations of power.

Mr. EDGERTON—The gentleman speaks of the people of each State as one people, as a unity. I maintain that, by "constituent members of the sovereignty," is meant each citizen in the United States. I maintain that the Government is not the representative of the people of the States as so many unities, thereby making, at the time of the ratification of the Constitution, only nine parties to it; but that it is, on the contrary, the representative of each individual citizen in the Union, and that each individual citizen in the Union is a party to the contract, as the honorable Senator is pleased to denominate the Constitution, so far as the word "contract" can be used, as equivalent to the word "establishing," or the words "agreed to." Now then, here is Chief Justice Marshall's opinion:

"If any one proposition could command the universal assent of mankind, we might expect it would be this—that the Government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature. *It is the Government of all; its powers are delegated by all; it represents all, and acts for all.* Though any one State may be willing to control its operations, no State is willing to allow others to control them. The nation, on those subjects on which it can act, must necessarily bind its component parts. But this question is not left to mere reason: the people have, in express terms, decided it, by saying, 'this Constitution, and the laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land,' and by requiring that the members of the State Legislatures, and the officers of the executive and judicial departments of the States, shall take the oath of fidelity to it.

"The Government of the United States, then, though limited in its powers, is supreme; and its laws when made in pursuance of the Constitution, form the supreme law of the land, 'anything in the Constitution or laws of any State to the contrary notwithstanding'"

Right here, I desire to ask the Senator a question. He tells us, with a good deal of circumlocution, in one portion of his remarks, that the Constitution of the United States is "supreme within its own sphere." I ask the Senator what he means by the word "sphere?"

Mr. THORNTON—I mean, sir, the exercise of its valid powers: in the exercise of those powers which are given to it. So far it is supreme, certainly.

Mr. EDGERTON—The gentleman tells me that its "sphere" is "the exercise of valid power." Well now, sir, I undertake to say that the exercise of powers is one thing, and the sphere wherein those powers are to be exercised another thing. And I apprehend it must be apparent to the mind of any man, who takes Chief Justice Marshall as authority, that the sphere wherein those powers are to be exercised, as the Constitution is framed, encircles every State in the Union. The exercise of the powers is one thing, and the place wherein those powers are to be exercised—which is meant by the word "sphere"—is, in the language of the authority, the United States. *That*, it is plain, is *throughout* the United States. As the Supreme Court of the United States says, in the case of Dred Scott, "that sphere is the dominion of the United States;" and, "the Constitution of the United States is equal and uniform in its operations throughout all the States."

That is the only meaning which occurs to my mind as a rational one of that word, "sphere."

Further upon this subject. I call the honorable Senator's attention to the Dred Scott case once more. I say, and my theory drives me to this, that the Constitution, by its ratification, made the people of the Union one people. It made them a unity The gentleman's proposition drives *him* to the necessity of asserting, that it makes nine *States*, nine *people*, and nine parties to the Constitution. Now, the Supreme Court say, through Chief Justice Taney:

"But it must be remembered that, at that time, there was no Government of the United States in existence with enumerated and limited powers; what was then called the United States, were thirteen separate, sovereign, independent States, which had entered into a league or confederation for their mutual protection and advantage, and the Congress of the United States was composed of the representatives of these separate sovereignties, meeting together as equals, to discuss and decide on certain measures which the States, by the Articles of Confederation, had agreed to submit to their decision. But this Confederation had none of the attributes of sovereignty in legislative, executive, or judicial powers. It was little more than a Congress of ambassadors, authorized to represent separate nations, in matters in which they had a common concern."

Now let us see about the new system which supplanted that one.

Chief Justice Taney proceeds:

"They were about to dissolve this federative Union, and to surrender a portion of their independent sovereignty to a new Government; which, for certain purposes, would *make the people of the several States one people*, and which was to be supreme and controlling within its sphere of action throughout the United States."

And again, he says:

"The principle upon which our Governments rest, and upon which alone they continue to exist, is the union of States, sovereign and independent within their own limits, in their internal and domestic concerns, and *bound together as one people by a General Government*, possessing certain enumerated and restricted powers, delegated to it by the people of the several States, and exercising supreme authority within the scope of the powers granted to it, throughout the dominion of the United States."

That is the opinion of the Supreme Court, in the case of Dred Scott.

But, the gentleman contends, the Constitution is not perpetual! He says there is nothing in the instrument equivalent to the word, "perpetual." There is nothing there, he says, that indicates that it was the purpose of its framers that it should endure forever and forever. Now, sir, I assert as matter of national law—Burlimaquy and Grotius so tell us—that every Government is, in theory, perpetual; it is supposed that it is to endure forever; and it cannot be overturned, except by consent or by revolution. I cite the authority of Webster upon this subject. He says:

"The Constitution, sir, regards itself as perpetual and immortal. It seeks to establish a union among the people of the States, which shall last through all time. Or, if the common fate of things human must be expected, at some period, to happen to it, yet that catastrophe is not anticipated."

I call the honorable Senator's attention again to the language of the Constitution on this point. The Constitution says expressly, that its framers "ordained and established it for themselves, and *for their posterity*." Where, sir, was this line of posterity to stop? Is it to stop here, at the mandate of South Carolina? Is the line to be cut off here? I say that those words, "and their posterity," indicate that it was intended to be perpetual. And further, sir, that the clause providing for amendments to the Constitution, providing that it might be so changed and altered as to meet the exigencies of the people of the United States, at any future time, shows most conclusively that they *did* design and suppose, independent of the general theory of law upon this subject, that it was to be perpetual; that their posterity would always prove true to it; that they would protect it and preserve it through storm, through weal and through woe. But, sir, we have contemporary history and authority upon this subject. Mr. Madison tells us that the idea of the adoption of this instrument for a limited time, was started at Richmond before its ratification; and that it was abandoned as even worse than a rejection. He (Madison) declares in his letter to Mr. Hamilton—which I cited in my former remarks—that the adoption of that instrument by any State, was an adoption *in toto and forever*. Can there be any doubt about it? With all due deference to the honorable Senator, I must say that this position of his argument hardly arose to the dignity of cavil.

Mr. THORNTON—With the gentleman's permission, I would state that that clause evidently means that the Constitution shall exist while it performs its functions. Neither Mr. Madison, nor any authority which he has cited, nor any distinguished statesman, would hold that the people of a State should be bound to the car of a despotism—should this Government become one.

Mr. EDGERTON—The gentleman's proposition carries us back to the great inherent right of revolution, which I will travel over with him in a little while.

Mr. President, the Senator, in his remarks, whilst giving utterance to what I regard as most fatal heresies, pointed to yon portrait, (Washington) I thought I could see it frown upon him with cruel admonition and rebuke, while he was giving expression to those doctrines. I fancied I beheld the inanimate figure s art from the canvass into life—the face radiant, the eyes sparkling, the lips moving, and again giving utterance to what, full sixty years ago, he said to the American people:

"*The unity of Government which constitutes you one people*, is also now dear to you. It is justly so: for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is very easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immoveable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; *discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned*; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

And further to add, that the heresies which the Senator (Thornton,) does now profess and here declare, are the "insidious domestic enemies" against that Constitution and that Union which he was admonishing his people forever to love, cherish, protect and preserve. [Applause.]

Mr. President, there is another authority which I will quote. It is from a different stand-point. It is the authority of, perhaps, one of the greatest political writers of modern times: that of a philosopher, who has studied American institutions dispassionately, without having his views warped by the influence of either of the theories for which the honorable Senator and myself are now contending. De Tocqueville tells us that,

"In America the subject of the Union are not States, but private citizens. The National Government levies a tax, not upon the State of Massachusetts, but upon each inhabitant of Massachusetts. All former confederate Governments presided over communities, but that of the Union *rules individuals;*

force is not borrowed, but self derived; and it is served by its own civil and military officers, by its own army, and its own courts of justice. It cannot be doubted that the spirit of the nation, the passions of the multitude, and provincial prejudices of each State, tend singularly to diminish the authority of a Federal authority thus constituted, and to facilitate the means of resistance to its mandates; but the comparative weakness of a restricted sovereignty is an evil inherent in the Federal system. In America, each State has fewer opportunities of resistance, and fewer temptations to non-compliance; nor can such a design be put in execution, (if indeed it be entertained,) without *an open violation of the laws of the Union, a direct interruption of the ordinary course of justice, and a bold declaration of revolt:* in a word, without a decisive step, which men hesitate to adopt."

I have thus attempted, sir, from what appears on the face of the instrument itself, from a cursory glance at the history of its formation, and from ample authority—and authority of the very highest kind—to demonstrate that the Government framed and formed by the Constitution is a central Government; that it is a consolidated Government; that it is a Government which extends over every State, and over every individual, as an individual, in this Union.

I now come to my next proposition, which was assailed by the honorable Senator from Sierra,—that the founders of our Government created a tribunal that was to decide upon the exercise of power by the Federal and State Governments, under the Constitution, and upon controversies between States, &c.

I maintain that the Supreme Court of the United States is a tribunal clothed with power, and established for the express purpose of interpreting the powers vested in Government under the Constitution; that it is the right and the duty of that Court, to determine upon the exercise of power by the General Government itself; that it is vested with the power, to pass a direct negative, so as entirely to annul the force and effect of a State law; that it was established for the purpose of giving uniformity to the law, in cases arising under the Constitution throughout the United States; and that every State Legislature, and every State Judicial Tribunal in the land, must, under the Constitution, yield to it; that such has been the practice of the Government from its earliest foundation.

The Constitution provides, in article III:

"Section 2—The judicial power shall extend to all cases, in law and equity, arising under this Constitution; the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, and other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States claiming lands under grants of different States—and between a State, or the citizens thereof, and foreign States, citizens or subjects."

Now, I ask the Senator to state to me any matter of controversy pending between two States, that may not assume the form of a suit at law, or in equity, and be brought before the Supreme Court of the United States for final adjudication.

Mr. THORNTON—When I was debating this question before, Mr. President, it was my intention to have discussed fully the latter portion of the clause which the gentleman (Edgerton,) has read—that portion of it which refers to the parties in a suit. For instance, it says, "controversies between States;" and, "controversies between a State and the General Government," also, I believe. But the gentleman prevented my going into that examination, by making the explicit statement that it was understood that no cases could be decided by that tribunal, except those of law and equity.

Mr. EDGERTON—I say that now.

Mr. THORNTON (continuing)—I wanted to have the gentleman on the subject. Now, I say that this last enumeration refers, not to the subject matter in controversy, but to the mere parties to the controversy: and there has to be jurisdiction both of the subject matter and of the parties. And I say that it is impossible for the United States to be a party to a controversy, unless she pleases. She has the making of the laws; the establishing of the cases in which she will consent to be sued. Then, if you give to the Government this power of saying in what cases she will be sued, you bring it back to the power of becoming a Federal despotism, by excluding cases where it might have committed wrong, and where States might wish redress against it. I state further to the gentleman, that I do not believe that political cases—and that is what I read from Chief Justice Marshall, to show—cases of a purely political character arising between the States, can be brought before this Supreme Tribunal. The gentleman says that Chief Justice Marshall, in a subsequent decision, changed that opinion. Now, sir, it is well known that after Chief Justice Marshall, a man of great intellect and a pure patriot, came into the exercise of authority upon the Federal Bench, he disclosed the natural infirmity of leaning towards power, and of taking as much as he could into the hands of the General Government. I think, therefore, that the declaration of Justice Marshall, made in his early life, is the best law of the case.

Mr. EDGERTON—Here is what the Senator (Thornton) said on a former occasion:

"You will find in certain clauses of the Constitution that the exercise of certain powers is prohibited by the States themselves, in their compact, to themselves, but nowhere appears the prohibition of the exercise of this inherent sovereignty, nowhere. *The States reserved it to themselves. They are the final and only judges.*"

Now, that is the point I wish to bring to the honorable Senator's attention—that, when a State has a controversy with individual citizens, or when she has a controversy with another State, or with the Government of the United States, under his theory, the State itself is the final arbiter. Very well. The Senator goes on to say:

"They have established no tribunal to settle the conflicts between themselves and their creatures about the holding of power. The gentleman (Edgerton) at one portion of his arguments attempted to establish the position that the Supreme Court was the judge. I assert that there is no such judge established."

That brings the point at issue clearly and distinctly out. Now, then, I maintain that, unless you disregard the Constitution and appeal to violence; unless you refer the settlement of these controversies to arms, there is no subject of dispute that can arise between these different parties, that may not assume the form of a suit at law or in equity, and be peaceable adjusted by the Supreme Court; and I maintain further that that was the design of the framers of the Constitution; that they constituted that tribunal for that purpose; and history shows that they passed the power to negative State laws, from the Congress—as evidenced to us by the instance the gentleman (Thornton) cites—to the Supreme Court. And I call the attention of the Senate to the easy and convenient manner in which the honorable Senator gets rid of all the great authorities I cite. I appeal to Chief Justice Marshall. He uses him as authority at one time, but when I use him he is not good authority. He suddenly becomes a great, overgrown usurper.

Mr. THORNTON—Federalist.

Mr. EDGERTON—Federalist! That is a very easy way of getting rid of him. Now, I say, discard his opinions altogether, or take them all.

Mr. THORNTON—When Chief Justice Marshall changed his party and went from Jeffersonian to Federalism, his opinions changed.

Mr. EDGERTON—This debate is running on at

some length; and I cannot stop to discuss Chief Justice Marshall's Federalism. If the gentleman wishes to discuss any distinct proposition, springing from the subject under consideration, I shall cheerfully yield the floor to him.

Mr. THORNTON—Certainly. I will cite a case which has been cited before. Suppose the Senate of the United States, having power, under the Constitution to determine on who shall be its members, should refuse to the sovereign State of Massachusetts her representation of two Senators on the floor of that body! Suppose the United States Senate should eject them from the Federal capitol; and go on to impose on that State, by Federal enactment, the burdens of the Government! Now, it cannot be brought before the Supreme Court of the United States, by *mandamus* or any other judicial power; and how is the case to be heard?

Mr. EDGERTON—I will come to that in a subsequent portion of my remarks. Now, sir, the gentleman has called our attention to three different plans which were submitted to the Convention which framed the Constitution, for the purpose of forming a Government for these United States—Colonies at that time. He (Thornton) calls our attention to the fact that each of those plans provided for a negative upon State laws, to be exercised by Congress under the Constitution which was to be framed. He tells us those projects were defeated; and he argues from that, that therefore there was no such power, no such authority, constituted under the Government. I call his attention to the history of those different plans, and of the formation of the Constitution; and I assert that it was the understanding of the framers of the Constitution, the understanding of all those who advocated its adoption, and the understanding of all those who opposed it, that that power *was* placed in the General Government by that instrument. It was adopted with that understanding, and opposed with that understanding. I now call the gentleman's attention to the authority of Luther Martin, a delegate from Maryland to the Convention which framed the Constitution; who opposed its ratification by that State; who went home to his constituents, and advised them, in Convention, to reject the Constitution, because that power was vested in the Supreme Court, under it:

"By the *third article*, the judicial power of the United States is vested in *one Supreme Court*, and in such *inferior courts* as the Congress may, from time to time, ordain or establish. These Courts, and these only, will have a right to decide upon the laws of the United States, and all questions arising upon their construction, and in a judicial manner, to carry those laws into execution, to which the Courts, both superior and inferior, of the respective States, and their judges and other magistrates, are rendered incompetent. To the Courts of the General Government are also *confined* all cases, in law or equity, arising under the proposed Constitution and treaties made under the authority of the United States—all cases affecting ambassadors, other public ministers and consuls—all cases of admiralty and maritime jurisdiction—all controversies to which the United States are a party—all controversies between two or more States—between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects.

Whether, therefore, any laws or *regulation* of the Congress, any act of *its President* or *other officers*, are contrary to, or not warranted by, the Constitution, rests only with the judges, who are appointed by Congress to determine; by whose determinations *every State must be bound*. Should any question arise between a *foreign consul* and any of the citizens of the United States, however remote from the seat of empire, it is to be heard before the Judiciary of the General Government, and in the first instance, to be heard in the Supreme Court, however inconvenient to the parties, and however trifling the subject of dispute."

I wish to add to this the cotemporary authority of Charles Pinckney. I have not it here, but I assert the fact, that Charles Pinckney went home to his constituents in South Carolina, and represented the existence of this same power under the Constitution; telling them in plain terms that it was a substitute for the various negatives upon State laws which were proposed in the Convention to be vested in Congress—one of which he had provided for in his plan. Now let us keep clearly in view what the gentleman (Thornton) says on this point. He says in case of controversies, in case of conflict, a State has a right, by virtue of its inherent sovereignty, to determine, and is itself the final arbiter. He makes prolific use of Mr. Madison's authority to sustain his position. Well, sir, it is my habit to respect Mr. Madison's opinions. I believe he was a great man. But I hardly think the gentleman from Sierra can dispose of the *weight* of his authority by saying that when he became an old man he weakened in intellect; that he was then swept away by popular passion and prejudice, and fell into the old current of Federalism, to which party he formerly belonged. Sir, the genius of Madison was of that cast which clarifies, enlarges, and strengthens, with increasing age; which becomes brighter and brighter, and stronger and stronger, until it passes from the mists and vapors here below to the brightness of the perfect day. [Applause.] Mr. Madison says, on this very topic:

"It is true, that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the general Government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general, rather than under the local Governments; or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combatted."

One more authority upon this subject, and I am through on the theoretical part. In number 80, of the *Federalist*, speaking of the Supreme Court, and the powers which are enumerated in the Constitution and conferred on that tribunal, it is said:

"The first point depends upon this obvious consideration that there ought always to be a constitutional method of giving efficacy to constitutional provisions. What, for instance, would avail restrictions on the authority of the State Legislatures, without some constitutional mode of enforcing the observance of them? The States, by the plan of the Convention, are prohibited from doing a variety of things; some of which are incompatible with the interests of the Union; others, with the principles of good Government. The imposition of duties on imported articles, and the emission of paper money, are specimens of each kind. No man of sense will believe that such prohibitions will be scrupulously regarded without some effectual power in the Government to restrain or correct the infractions of them. This power must either be a direct negative on the State laws, or an authority in the Federal Courts to overrule such as might be in manifest contravention of the articles of Union. There is no third course that I can imagine. The latter appears to have been thought by the Convention preferable to the former, and, I presume, will be most agreeable to the States."

I will again refer to DeTocqueville, on this point. Speaking of our Government and its formation, he says:

"The attributes of the Federal Government, were, therefore, carefully enumerated, and all that was not included among them was declared to constitute a part of the privileges of the several Governments of the States. Thus the Government of the States remained the rule, and that of the confederation became the exception.

But as it was foreseen, that, in practice, questions might arise as to the exact limits of this exceptional authority, and that it would be dangerous to submit these questions to the decision of the ordinary courts of justice, established in the States by the States themselves, a high Federal Court was erected, which was destined, among other functions, to maintain the balance of power which had been established by the Constitution between the two rival Governments."

It was the opinion of Mr. Webster that the Government of the United States possesses the authority of final decision, in all questions of disputed power, both by necessary implication and by express grant. I read from his celebrated reply to Mr. Calhoun:

"It will not be denied, sir, that this authority belongs to all Governments—they all exercise it from necessity, and as a consequence of the exercise of other powers. The State Governments themselves possess it, except in that class of questions which may arise between them and the General Government, and in regard to which they have surrended it, as well by the nature of the case as by clear constitutional provisions. In other and ordinary cases, whether a particular law be in conformity to the Constitution of the State is a question which the State Legislature or State Judiciary must determine. We all know that these questions arise daily in the State governments, and are decided by those governments; and I know no government which does not exercise a similar power."

Now, sir, as to this matter of a controversy between States. I will illustrate my views by examples. The gentleman (Thornton) probably recollects that a few years ago—I believe as far back as 1844—the State of Iowa exercised jurisdiction, judicial and political jurisdiction and power, over a strip of territory some ten miles in width and two hundred miles in length, bordering on Missouri and Iowa. He (Thornton) recollects very well that that jurisdiction was contested by the State of Missouri; that it was insisted on by that State, that that territory belonged to Missouri. Now, sir, how did they settle that controversy? Why, according to the gentleman's theory, Missouri had a right to throw herself back on her inherent, independent sovereignty. She had a right, according to his theory, to subject the matter to the dread arbitrament of the sword. But what *did* she do? Filed her bill in the Supreme Court of the United States against the State of Iowa. And the case was settled finally in that way. Now there is one instance where we find the Supreme Court of the United States giving final decision to a controversy between two sovereign, independent States.

Again. We find another instance, as far back as the Dartmouth College case; a case which has been rendered immortal in forensic history by the dialectic power and eloquence of a Webster. We find the great and sovereign State of New Hampshire passing a law affecting contracts. The case was decided in the Courts of New Hampshire. Mark, now! In this case we have not alone the legislative enactment, the act of sovereignty by the State of New Hampshire; but we have in addition to that, fortifying, strengthening and confirming it, the judicial act of the Courts of New Hampshire, affirming that law to be a constitutional and valid one. The case was taken to the Supreme Court of the United States by a writ of error. We all know the State law was overruled, and the State of New Hampshire submitted to the decision. Now, I say, there is an illustration of the exercise of jurisdiction by the Supreme Court of the United States over a State law; showing that they did directly overrule, set aside and destroy the force and effect of a law of a State Legislature; and that that was just as effectually done by the act of the Supreme Court, as it could possibly have been done by the negatives which were proposed by Governor Randolph and others in the Convention which formed the Constitution.

Again. The case which I cited a while ago, decided, on the authority of Chief Justice Marshall, the invalidity of a law of the State of Maryland. The Supreme Court there nullified that law; declared it to be unconstitutional; set it aside; and nobody ever claimed anything more under that act. It fell to the ground; just as any other State law passed in any of the States, in opposition to the Constitution of the United States would fall to the ground, so long as the Constitutional power of the Supreme Court is not overturned by revolution.

I think I have illustrated this case fully. We have the theory on our side. We have the necessity for such a tribunal on our side. We have the practice of the Government on our side. One other point I wish to illustrate. If this power had been reserved to the States, what a beautiful jumble we would have been in for the last seventy years. Suppose these cases of controversy were determined by the States. Congress passes a law which is observed and enforced in South Carolina. In Vermont the Courts declare it unconstitutional. *There*, it is not respected. The Legislature and the Supreme Court of Virginia say a certain law in reference to collecting taxes and laying imposts in a particular way, is unconstitutional. In Ohio they tell you it is not. Now, what a contrariety of decisions we would have. What collisions would ensue. What difficulty in the administration of this Government would we not have had, ever since it went into operation, if the framers of the Constitution had not foreseen the necessity of establishing one supreme tribunal in order to give uniformity to the decisions of the Courts, and to the law, and to the interpretations of the Constitution, making its operation equal and alike throughout the Union? It does seem to me, sir, that this matter is beyond controversy.

I have now got along thus far in the second stage of my argument—that the framers of the Constitution did erect a supreme tribunal in the government which was to determine upon its own powers. There is one other case by way of illustration, which I have overlooked. I wish to show to the honorable Senator (Thornton) a case wherein the Supreme Court of the United States exercised jurisdiction upon an act of Congress. He (Thornton) says the Court has no political power. I agree with him. The Court cannot pass a law; cannot pass any political act. But, sir, the Supreme Court has jurisdiction over the exercise of political power by Congress itself. In 1820, Congress passed the Missouri Compromise Act. Years afterwards, the Supreme Court decided that that political act was unconstitutional. The Court, by its judgment in the Dred Scott case, annulled that act of Congress, and it fell to the ground.

Mr. THORNTON—That was a case involving right of property.

Mr. EDGERTON—We all know what the question was—what it was meant to reach. It did involve the right of property; but it did also determine this question. The gentleman's party have always claimed that Congress undertook, in passing that act, to exercise an act of political power which they could not exercise under the Constitution. And they have always claimed, on every stump on which I have heard their orators speak, that by force of that decision of the Supreme Court, the act of Congress of 1820, fell to the ground.

Mr. THORNTON—Will the gentleman allow me a moment? I contend, so far as this matter is concerned, that the Dred Scott case was not a political question, only so far as it was made so by being taken up by the political parties of the country. When viewed abstractly and by itself, it is solely a question of a right of property; of the right to hold property beyond a certain given line. And it can only be called a political question, because a political party in the country—the Democratic party—took the position that the Southern States had a right to have their property protected, and to carry it into all the common Territories. From a question of property, a question arising in law and equity, it only became a political question, by being taken to themselves by political parties. It is not strictly a political question.

Mr. EDGERTON—I assert—and I think I have

demonstrated, from the theory of this matter, by arguments drawn from the nature of the question itself, and by the practice of the Government, that Congress can not, in any instance, exercise any act of political power under the Constitution, affecting the subjects of controversy enumerated in sections 1 and 2 of article 3, but may, by some form of suit at law or in equity, be submitted to the Supreme Court of the United States, and there affirmed or annulled, and rendered inoperative and void. That is what that tribunal was created for; and that is what it has already done.

Mr. THORNTON—I asked the Senator a question, a while ago, which he did not answer. I repeat it. How about the Senators of a Sovereign State not being allowed by the United States Senate, seats on the floor of that body?

Mr. EDGERTON—The honorable Senator's question assumes for a United States Senator, a character that I by no means accord. I deny that he is the Senator of a Sovereign State. He is an officer of the General Government, as I shall attempt to demonstrate, farther along in my remarks; and my reply to the question, is, that the controversy it points out does not come within the enumeration of Secs. 1 and 2 of Art. III of the Constitution, defining the powers of the Supreme Court; that to every deliberative body, belongs the power of deciding upon the qualifications of its own members; that such an act, on the part of the United States Senate, as the question contemplates, if exercised arbitrarily and without just cause, would amount to a gross usurpation of power, a disfranchisement of a portion of the people of the Union, for which I know of no alternative, except tame submission, or revolt.

The honorable Senator treated us to a brief history of the proceedings of the Convention that framed the Constitution. He tells us that in that Convention the delegates of each State cast one vote; in effect, that they voted by States. Very true. But it is right here that the Senator falls into a serious and fundamental error. It consists in the supposition, that the Constitution receives impression, coloring, and character from the manner in which it was framed; and in the farther supposition, that it was the design of its framers to perpetuate under the Constitution the same relation between the States that prevailed under the Articles of Confederation. Whereas, directly the reverse is true. When the Constitution came from the hands of the Convention, it was mere paper and pack thread. It had no power, nor did it pretend to any. It was the *act*, and not the *mode* of its ratification, that gave it vitality and power. It then spoke for the first time; it inaugurated a new system, essentially distinct from that which existed under the confederation. The theory contended for by the honorable Senator, drives him to the necessity of asserting, that we are still living under a league, a confederation, similar to that which united the States prior to the establishment of the Constitution. Whereas, I think I have satisfactorily shown, from arguments drawn from the nature of the Constitution itself; from the purposes for which it was ordained, and from different judicial decisions of the highest tribunal in the land, that an entirely new system was founded by that instrument, which united the whole people, and not sovereign, independent States, under a consolidated Government.

In confirmation of his theory of our Government, the honorable Senator enumerates certain acts, which he says, the States perform, by virtue of their inherent State Sovereignty; as for example the appointment of Electors to elect a President. Well, now, sir, I undertake to say, that a State does not appoint Electors by virtue of any inherent sovereignty in the people of that State. Whence is derived the power to make those appointments? It is derived from the Constitution itself. And I maintain that the act is exercised, not as a right, not as a privilege by the people of a State, but that it is performed as a solemn duty enjoined on them by the Constitution. The Constitution is here mandatory upon the State Legislature. It is a duty, sir, that they perform for the purpose of carrying out and administering the General Government; not a *right*, which they exercise by virtue of any inherent sovereignty in the people of the States. And now I quote an authority for which, I have no doubt, the gentleman will have great respect, inasmuch as it comes from South Carolina herself. Let us understand each other distinctly, first. The gentleman says the appointment of Electors is an act of the people of a State, by virtue of State Sovereignty. I say it is a duty which they perform, enjoined on them by the Constitution, and, through the Constitution, by the whole people of the United States.

Mr. THORNTON—The Senator does not state it exactly as I understand it.

Mr. EDGERTON—As I understand it, I do.

Mr. THORNTON—Undoubtedly. My idea of the matter is this: I asked the Senator what act the people of the United States in collective capacity, irrespective of geographical lines, ever did? I went on to state that, ever since the formation of the Constitution, the people of the State within State limits, and not in collective capacity, have voted for Electors to elect the President. Now, how does that come about? Why, the people of the States made the Constitution. They said this in the Constitution: We will elect our President in such a way; and, according to the way which they themselves declared, they do now so elect, within State lines, and not in collective capacity.

Mr. EDGERTON—No, sir. The whole people of the United States, speaking through the Constitution, tell the people of South Carolina, or any other State, You *shall* elect Electors. And I undertake, now, to prove from the history of South Carolina, that they have there regarded it as a solemn duty to be performed; as a duty enjoined on them by the Constitution; and not as a right to be exercised by the people of a State in virtue of their inherent State Sovereignty.

Mr. THORNTON—Suppose South Carolina had refused to ratify?

Mr. EDGERTON—Then her people would not have formed a portion of the Union under the Constitution—and as a matter of course the Constitution would have had no application to them whatever—but having adopted it, they are bound by all its provisions, and will continue to be bound by them, unless through secession, nullification and revolution, they shall succeed in overturning it. But to return to the topic from which we have diverged.

Leiber, who for a long time filled one of the highest professorships in Columbia College, and who is regarded by the disciples of every political school as a master of political science, says:

"The State stands in need of power for its Government or organism through which it obtains, or strives to obtain, the State objects. Let us call it public power. Public power may rest on a moral basis; for instance, people obey a law because it is a law, not because a penalty is attached to it. In the year 1836, the members of the South Carolina Legislature resolved unanimously, in a caucus, to throw away the Presidential vote, or to vote for an imaginary person, because they were not satisfied with either candidate. When, however, the vote was to be taken upon this preliminary resolution, it was suggested that the Constitution of the United States says, Art. II, Sect. 1, 3, that the Electors *shall* 'vote by ballot for two persons.' The Legislature therefore found themselves *bound* to vote for some actual citizen or other, and gave their vote for Mr. Mangum, who was no candidate."

That, sir, shows the sense of South Carolina at that day, upon this clause of the Coustitution—that it was

not a right; that it was no privilege which was reserved to the people of the State of South Carolina, in their corporate, independent, sovereign capacity, but a duty that had been enjoined upon them through the Constitution; and that they were *bound* to perform it, as an act thus enjoined. And they, like loyal men, then did obey. They then regarded it, as a solemn injunction of the Constitution. Would to God they were as loyal to the Constitution now as then. [Great applause.]

Mr. THORNTON—I dislike to interrupt the Senator, but he labors under this misapprehension: that I contended it was a reserved right.

Mr. EDGERTON—The gentleman may have used the phrase unintentionally.

Mr. THORNTON—I never asserted it was a reserved right. In the Constitution it is declared that they will elect a President in such a way. The gentleman from Napa says it is an established and prescribed form, enjoined by the Constitution upon each State. I asked him: Suppose any State had not ratified the Constitution? Suppose any State had not come in and placed this form upon herself—which is an act of her inherent sovereignty—how then could the other States have forced the election of Presidential Electors, or any other act necessary to carry out the Government, upon that State? If a State refused to ratify, she would have been out entirely.

Mr. EDGERTON—If a State had refused to ratify the Constitution, the people of that State never would have formed a part of the political community that was created under the Constitution; and as I have before said, would be entirely unaffected by any of its provisions. I confess I do not at all appreciate the force of the honorable Senator's illustration.

If the honorable Senator will recur to the writings in the Federalist, his mind will become easily disabused of its false impressions, both as to the source of the authority by which a State appoints Presidential Electors, and the objects for which their appointment was referred to the States. We have only to look to the Constitution itself, to find the authority under which the State acts, while its cotemporary history shows that the establishment of the Electoral College to be composed of Electors to be chosen by each State in the manner its Legislature should appoint, was a plan devised for the sole purpose of securing order and purity in the election of the Chief Executive of the Nation.

In number 68, of the *Federalist*, it is said:

"It was desirable, that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men chosen by the people for this special purpose, and at a particular conjuncture.

It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to so complicated an investigation.

It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder. This evil was not least to be dreaded in the election of a Magistrate, who was to have so important an agency in the Administration of the Government. But the precautions which have been so happily concerted in the system under consideration, promise an effectual security against this mischief. The choice of *several*, to form an intermediate body of Electors, will be much less apt to convulse the community, with any extraordinary, or violent movements, than the choice of *one*, who was himself to be the final object of the public wishes. And as the Electors, chosen in each State, are to assemble and vote in the State in which they are chosen, this detached, and divided situation will expose them much less to heats and ferments, that might be communicated from them to the people, than if they were all to be convened at one time in one place."

It is clearly evident from the Constitution itself, and from its cotemporary expositions by those who framed it, that the appointment of Presidential Electors by a State, is not an act exercised by virtue of the inherent sovereignty of a State; but a duty to be performed by the people of each State, in obedience to the behest of the Constitution. And it is further manifest, from the extract from the Federalist I have just read, that the appointment of the electors was not referred to the States, out of any consideration for the sovereignty of a State, but that the whole plan of the Electoral College was devised as I have before stated, to rescue the election of the Chief Magistrate of the nation from the abuses to which it would be liable, if left to the people, as compounded into a common mass.

One of the natural results of the honorable Senator's theory of our Government—that it is a compact between the States—would be, that each State should be on an exact equality with all the rest, in all respects; that each State should have an equal voice in the selection of the Chief Magistrate, and in the enactment of all measures growing out of the compact. If the Constitution is a compact, to which nine people, nine unities—if I may be allowed the expression—are parties, of course they are all equal; and they should all have the same rights, and the same power. Now, then, when these Presidential Electors are appointed in the manner in which the Constitution directs, and when the vote is cast for President, how is it done? Does each State have an equal voice in the selection of a Chief Magistrate? By no means! A majority elects—so that a few large States can control the election of the Chief Executive officer of the nation. What then becomes of your State equality?

Again, in the election of United States Senators and members of Congress, this same inequality is apparent. It is observable throughout the entire operations of the Government. Laws are passed either by a majority of votes, or by a two-thirds vote, in each branch of Congress. And when Senators and Members assemble in Congress, what are they? State officers or officers of the General Government? Why, I undertake to say they are officers of the General Government, and not responsible to those inherent sovereignties which, the gentleman says, sent them there. They are paid out of the National Treasury. Can the State recall them? Can the State punish them, if guilty of violations of law and of the Constitution? No, sir. They act in conjunction with the representatives from the other States, in a collective capacity, and State lines are there disregarded; and a majority or two-thirds vote passes all the laws under which the Government is carried on.

This idea of State equality, which must necessarily exist, if the gentleman's theory is true, is broken down—lost sight of—nowhere preserved in the practical operation of the Government.

Now, as to the subject of force, the Senator from Mariposa (Merritt,) who is now in his seat, says in his speech, that the Senator from Napa, in his remarks, insisted upon the exercise of force first, and compromise last. He represents me, sir, as a sort of military chieftain, with epaulets and sword on, marching at the head of a Vermont army down to South Carolina. I now ask him to point me to the place in my speech; to the word I have written, or the word I have uttered, placing me in such position.

Mr. MERRITT—I stated, at the time I had the honor to address the Senate, that the speech of the Senator from Napa, and the resolutions offered, seemed to me to have two distinctive characteristics; that the resolutions in themselves—with the exception of

he clause in the seventh resolution, which I have indicated to the Senate—appeared to me to be conciliatory and such as we could subscribe to; and that the gentleman's speech seemed to me to breath the spirit of war. I stated in my remarks, that that clause from the Senator's speech, which I then read, looked that way. So far as the Vermont army is concerned, that is mere badinage of course.

Mr. EDGERTON—Now, sir, I have read and reread that speech. I ought to know what it means; and I here declare that I have never given utterance to such a sentiment as the Senator has ascribed to me. I shall run into no inconsistency, in what I say on this subject of force. I am surrounded by friends coming from the South. I now see gentlemen before me, toward whom my heart warms; for whom I feel the deepest and sincerest friendship, and who have proved themselves to me, the sincerest friends I have. In whatever I say, I mean nothing offensive to the South, to Southern institutions, or to Southern gentlemen. But I mean, sir, to talk here like an American citizen; to talk here, sir, as one who reverences the Constitution and the Union. And I mean to talk justly towards the South, the North, the East, the West. [Applause.]

The honorable Senator from Sierra asserts that force cannot be used under the Constitution, against a revolting State. I admit that. The Constitution nowhere recognises such a thing as a revolting State. But it does recognise *insurrection*. It does recognise treason. It recognises domestic violence and resistance to the execution of the laws, on the part of individuals; and it has also provided means for the suppression of all these disturbing elements, and penalties for instigating them.

Now, Mr. President, I desire to argue and to consider this question of force with the Senator from Sierra, as a Constitutional right, or rather as a Constitutional power—a power to be exercised under the Constitution. He (Thornton) tells us that there is no power in the Government, under the Constitution, to collect the Federal revenues; no power to execute the law; no power to enforce obedience to the enactments of the Federal Legislature. Now, sir, I apprehend that directly the reverse of all this is true; and that not only the power, but the absolute duty, of the General Government to resort to use of physical force, when necessary, to compel obedience of the citizen to the Federal enactments, is easily demonstrated.

The gentleman cites us to certain remarks made by Mr. Madison, in the Convention that framed the Constitution, in reference to the use of force. Let us be accurate in our use of history. I ask the gentleman, what were they talking about? What were they debating about, when it was proposed to execute the laws of the United States by force? Why, sir, they were talking at that time about a Government over the States, as sovereign States, and members of a league. And Mr. Madison did then say, that it was not politic, or wise, or practicable, to found the Government on the idea of executing its mandates through the medium of force against an independent State. Every word that Mr. Madison said on this subject of using force, which the gentleman (Thornton) quoted, was said with an especial reference to the proposition of using force by the General Government, for the purpose of coercing an independent State Government into subjection. Such a proposition was submitted, and we all know that it was seriously supported by such men as Jefferson and others, but abandoned. And why? Because it was thought much more expedient to make the new government operate directly upon individuals, and not upon States, and to hold individuals instead of States responsible to the Government, for resistance to its ordinances and laws. And now, sir, what does the Constitution itself say? It provides that the President of the United States *shall see that the laws are executed*. And it further, in express terms, clothes Congress with the power—or rather as I say makes it the duty of Congress—to provide for calling forth the militia to execute the laws of the General Government, to suppress insurrection, and repel invasion. These, sir, are the express words of the instrument, which are tantamount to this: Whenever the laws of the United States are resisted: whenever combinations are made for the purpose of insurrection, and for trampling the laws under foot, it is the duty of Congress, and the duty of the President of the United States, to see that the laws are executed; if necessary, at the price of shedding every drop of blood, and sacrificing every soldier in the American army. [Applause.] That is my idea.

The gentleman (Thornton) tells us, sir, that the words, "execution of the laws," are but a "*sneaking* synonym for war." Sir, I find a provision, that "Congress shall have power to provide for calling forth the militia to execute the laws of the Union," in the Constitution of my country. I consult history, and I find that Washington used force to "execute the laws." I come down to a later period—one within the memory of the gentleman and myself—and I find Mr. Buchanan sending the army of the United States to distant Territories, to enforce and "execute the law." I find the President of the United States drawing from the Treasury of the Union, and using the army of the Union, to enforce and execute the law in Boston, in the Burns case; and I now ask the honorable Senator if he approves of the act of President Fillmore, in sending the army of the United States to Boston, and spending the money of the United States, to enforce the execution of the Federal laws there?

Mr. THORNTON—I approve of that act. I approve of the conduct of General Washington in the case of the Whisky Insurrection. I approve of the acts in relation to the disturbances in the Territory of Utah. But if time allowed—I will not do it now—I could enter into an argument to show that the forms and the requirements of the law were complied with, in each one of these cases.

Mr. EDGERTON—Let us take the matter up now.

Mr. THORNTON—In the case of the Whisky Insurrection, we see, from the proclamation of General Washington, that the regularly authorized agents of the Government, in the State of Pennsylvania, had notified him of the necessity of the exercise of this granted power. Where has that been done, in the present case of South Carolina? Where? I will ask the gentleman that question. As for Kansas, when the army was sent there, she was a Territory, and she was under the supreme control and government of Congress; and, in accordance with the prescribed forms of law, the military arm of the government was exercised there. So with Utah. So in the Burns case. But here, in the case of South Carolina—to which I made the application of the remark, that the execution of the law now, meant civil war—how can you apply that section of the Constitution? The *onus*, the burden of proof must be made manifest, by showing that an application has been made. These pretended parallels between the present position of South Carolina and the Whisky Rebellion, the disturbances in the Utah and the rescue of a fugitive Slave in Boston, do not exist. I ask the gentleman now, to take the section of the Constitution and apply it, by itself and by the power vested in Congress, to the present existing circumstances in South Carolina, Alabama, Florida, Mississippi and Louisiana.

Mr. EDGERTON—Mr. President, I consider my-

self invited by the honorable Senator, to state cases wherein the General Government and the President of the United States might call out the militia to execute the law, in the case of South Carolina.

Mr. THORNTON—Apply it to South Carolina now.

Mr. EDGERTON—The law of Congress under which General Washington called out the militia to suppress the Whisky Insurrection, provided that, if notified in writing by the District Judge, or by one of the Associate Judges, of the existence of a combination sufficiently strong to resist the execution of the laws, he might call out the military power of the Government, to see that they were enforced. And, sir, I do not think that it would have been a matter of much difficulty for Mr. Buchanan to have obtained from one of the Republican Judges, on the bench of the Supreme Court of the United States, such a statement in writing, at any time. The law says the notification shall be given by a District Judge, or one of *the Associate Judges;* and I maintain that any of the Associate Judges could give such a notice in writing, and the law would have been satisfied.

Mr. THORNTON—They did not do it in this instance, notwithstanding.

Mr. EDGERTON—I do not know whether they did or not. I was showing how this could be done, under the Constitution. I think I know what Jackson would have done, if he had been President instead of Buchanan. [Applause.] I think he would have gone to the Judges of the Supreme Court, and told them, "By the Eternal," you *must* give me that document in writing! and he would have got it. [Applause.]

Mr. THORNTON—I wish, sir, the gentleman could have illustrated by a reference to the conduct of Jackson in a former instance, when the State of South Carolina nullified an Act of Congress, and General Jackson did no such thing. [Applause.] Now, let me look at that thing. Let me say, as the Senator from Mariposa (Merritt) said, that Jackson, this same President that talked about force, signed a *sneaking* compromise, by which the Federal Government backed down. [Hisses, mingled with applause.]

The PRESIDENT, *pro tem.*—The Sergeant-at-Arms will endeavor to find out who was guilty of hissing. The floor of the lobby will be ordered cleared, if anything of the kind occurs again. Let us have no more of it.

Mr. EDGERTON—The word "*sneaking*" seems to be a very favorite word with the honorable Senator, when he desires to give point to his declamation, and characterize any act of the Government. I do not admit that a compromise was ever made by the Government with South Carolina, or with any other State. The General Government did modify the Tariff; but it was the act of the General Government, and not a compromise between that Government and South Carolina. The General Government never makes compromises with any State. The honorable Senator's allusion to General Jackson, called to my mind a few incidents of history, that will enlighten us as to the views entertained by that illustrious Democrat in regard to his constitutional power to use force for the preservation of the Union, and the enforcement of the laws. Has the honorable Senator forgotten that the Hero of the Hermitage, in the calm evening of his life, as he looked back over his public career, regretted that he had not executed Calhoun as a traitor to the Constitution and the Union? Does he not know that General Jackson had determined to declare martial law in the District of Columbia; that he had the Court Martial appointed, that was to try Mr. Calhoun for treason, and the officers selected, who were to execute the death penalty upon him? And, sir, does not the honorable Senator know that Mr. Calhoun saved his neck by sustaining and voting for the measure which he now stigmatizes as a *sneaking compromise?* [Sensation.]

I do not allude to these matters, to cast reproach upon the memory of Mr. Calhoun; nor, is it my design to enter upon any justification of these extreme measures. But, I may with propriety refer to them for the purpose of showing what General Jackson considered to be his power and duty, under the Constitution, when the integrity of the Union was in danger, and when resistance was offered to the execution of the laws. I know his stern tyrannical temper. But, sir, tyrannical as he was, would to God he was now living, and at the head of our affairs. [Applause.]

The honorable Senator talks about a resort to the military power of the Government, to enforce obedience to the Federal laws in a Territory, as if it stood upon a different footing from the exercise of such a power in a State. I do not know why the General Government should not preserve and protect itself, and execute its authority by the same means, and in the same manner, in South Carolina, or in any other State of the Union, that it does in Utah, or Kansas, or Massachusetts. In my opinion, the General Government has not only the power, but it is its bounden duty, when necessary, to bring into requisition every dollar in its Treasury, every soldier in the army, and all the power of the navy, to protect its property, to collect its revenue, and to enforce all its ordinances and laws, everywhere throughout the land.

The honorable Senator said something the other day, in debate with the Senator from Plumas (Irwin) about a resort to force by the General Government in a Territory, by virtue of the right of eminent domain. Will the honorable Senator indulge me with a distinct explanation of what he meant by that remark?

Mr. THORNTON—I distinctly declared that Congress had power to control the Territories, and that the difference between a territory and a sovereign State was so great as hardly to need explanation.

Mr. EDGERTON—I will give the honorable Senator an explanation which he very much needs. By the right of eminent domain, I understand the right of the Government to take private property for public uses. And it is a new doctrine to me that the military arm of the Government was extended to Utah and to Kansas, under, and by virtue of the right of eminent domain. The Supreme Court, in the Dred Scott case, declared that the Constitution is equal and uniform throughout the dominions of the United States; that the powers of the Government are the same everywhere throughout the land. And I think a little reflection will lead the honorable Senator to the conclusion, that the power to send troops to Utah and to Kansas, was the same that sent them to Boston in the Burns' case, and derived from the same source.

The honorable Senators from Mariposa and Sierra deprecate war between the North and South. It could not possibly be more revolting to them than to me. They cry out—"Don't use force!" With one breath—they cry peace; and in the other, they sound the trump of war. I tell the gentlemen, and I tell the South, if you do not want the General Government to resort to force, pending compromise, for God's sake don't use force yourselves, pending compromise. You demand compromise, and at the same time you devastate, pillage, and plunder. You give our flesh to the eagles and our roofs to the flames. You rob the Government of its property; you fire upon our vessels; you seize upon our forts, and murder our citizens. Sir, before they cry peace—let them call off their dogs of war! [Sensation.] I deprecate the use of force, unless the South drive the General Government to the necessity of it. I am in favor of compromise first, if the South will come up and deal with us in a spirit of

ompromise. And I believe in my heart, if the solu-
ion of our difficulties is referred to the spirit of fair
ompromise, they will all be peacefully adjusted. But,
ir, if the seceding States persist in their headlong,
awless course of conduct, I trust in God that the in-
oming administration will put forth every nerve of
he Government, to preserve the Constitution and the
Union, though the land be deluged with blood, and
he heavens fall. [Sensation.] I agree with the Sen-
tors from Mariposa and Sierra, that there is no cause
or all this tumult; that there is no cause for revolu-
ion. They are driven to acknowledging, with me,
hat the seceding States are wrong. The Senator from
Mariposa says he sees no cause for revolution, and
dmits the justness of my views in reference to secess-
ion and nullification. His speech—

Mr. THORNTON—I certainly took ground, in the
rst place, that force should not be exercised against
outh Carolina, because of this Constitutional right to
withdraw herself when this Constitutional compact was
roken. In the next place, I went into an enumera-
ion, in an humble way, of the grievances, in the con-
lition of affairs, under which the South rests; and I
aid there *was* occasion for the exercise of the right of
evolution. The Senator from Mariposa (Merritt) and
nyself, did not differ, do not differ, on that point. We
oth agree that there *was* cause for revolution, And I
liffer with the gentleman from Napa, on both points.

Mr. EDGERTON—Here is what the gentleman
aid:

"I see no occasion for such revolution."

Mr. THORNTON—It is impossible. With the per-
nission of the gentleman, I must settle this point,
ight here; because I never uttered such a sentiment—
never could.

Mr. EDGERTON—The gentleman is reported as
saying:

"Mr. President, if South Carolina has not this right, as one
of her reserved rights, then she has exercised her inalienable
right of revolution. The gentleman himself does not deny,
no one denies that the people of a State have a right to change
by revolution their form of Government when it becomes
dangerous to their liberties, or when it becomes oppressive.
Then there is no use in quarreling about terms. Call it the
right of revolution, that sacred right which was declared in
the revolution, which was consecrated by its victories, which
was baptized in its blood, which is dear to the true patriot's
heart throughout the world. Call it that, and South Carolina
then, as a seceding State Government, by it has placed herself,
by the universal consent of her citizens, in an independent
attitude. Then, I say, let us not war against her. Let us not
declare war because of that. I see no occasion for such revo-
lution."—[*Union Report.*]

Mr. THORNTON—The last sentence is evidently a mistake.

Mr. EDGERTON—Well, sir, I think the gentleman will concede that I have no desire to misrepresent him. I sat near him at the time he made his remarks, and I do not recollect to have heard him use the expression attributed to him. When I read that portion of the newspaper report, I concluded the reporter could not have been mistaken in what the honorable Senator said, however.

Mr. THORNTON—My expression in that place was, I think, this: "Let us not declare war because of that. I see no occasion for such *resolution*."

Mr. EDGERTON—I found the expression in the honorable Senator's reported speech.

Mr. MERRITT—One word. I said that so far as the abstract right of secession was concerned, perhaps the Senator and I might agree. But I did not acknowledge that there was no cause for the present difficulties. I said that, in my judgment, the South labored under great wrongs, which had been inflicted on her by the North; that there might have been, as there generally is in family quarrels, wrong on both sides; but that, in my judgment, all might be healed by conciliation and concession, which should come from the party which had done the greatest wrong; that the use of force was not a question of right on the part of the General Government, but of expediency and policy; that the means in the power of that Government, and belonging to it to exercise, was matter of its own judgment.

Mr. EDGERTON—We do not disagree so much, after all. The Senator from Mariposa says States have no right to secede.

Mr. MERRITT—(interrupting)—Abstractly.

Mr. EDGERTON—I think if the right does not exist in abstraction, it can no where be found. The denial of the right of secession drives the honorable Senator to a justification of the South by virtue of the right of revolution. He sees no cause for revolution, and I therefore dismiss his speech as self-answered.

Mr. MERRITT—A lawyer said somebody had done him a wrong, and—

Mr. EDGERTON—I cannot yield the floor to the Senator to allow him to tell anecdotes. [Merriment.]

Mr. MERRITT—Mr. President.

The PRESIDENT *pro tem.*—Does the Senator from Napa yield the floor?

Mr. EDGERTON—No, sir. I am a very poor story-teller, Mr. President, while the Senator from Mariposa is very apt that way; and he might make me ridiculous, were I to yield him the floor. I am afraid, sir, he would narrate something similar to the story of the Senator from Santa Cruz, about the eagle; told the other day. [Merriment.]

Now, I say this: That, as a matter of constitutional law, it was not necessary to place—

Mr. WATSON—(interrupting)—I rise to a point of order. The point of order is; that the Senators are not speaking pertinent to the question. [Laughter.]

The PRESIDENT—The point is not well taken.

Mr. EDGERTON—(resuming)—I maintain that it was not necessary, as a matter of constitutional law, to have placed in the Constitution any provision for the exercise of this power of calling out the military force of the Government to execute the law. Frequent allusion has been made by the Senator from Sierra, to the authority of Mr. Jefferson. Now, sir, Mr. Jefferson says on this point:

"It has been so often said, as to be generally believed, that Congress has no power, by the confederation, to enforce anything—for example, contributions. It was not necessary to give them that power expressly, they have it by the law of nature. When two parties make a compact, there results to each the power of compelling the other to execute it. Compulsion was never so easy as in our case, when a single frigate would soon levy on the commerce of any State the deficiency of its contributions."

It appears then, upon authority of Mr. Jefferson, that by the law of nature the power to resort to force existed under the articles of confederation; that Congress could have *compelled* obedience to its requisitions by the refractory and delinquent States. And he went so far as to state, on another occasion, that "it was time for the confederation to show its teeth;" and debated with gentlemen of that day as to whether it was better to send a naval or a military power, in order to coerce and compel a sovereign State to yield, and obey the enactments of Congress under the articles of confederation.

Then, I say, sir, on the authority of Jefferson, that this is an inherent power which exists in every Government; and that it is absolutely essential to accomplish the ends for which governments are established.

I will now address myself for a few moments to the causes of this revolution, which the Senators from Sierra and Mariposa now attempt to justify. The most prominent cause which the Senator from Mariposa

brings to our view, is the Personal Liberty Bills. I acknowledge, sir, they are a matter of just complaint; when urged by the South as matters of complaint against the North, and as infractions of the Constitution, the complaint is legitimate. And I further say, that, unless the Northern States will repeal these acts, so far as they are unconstitutional, unless they show disposition to do justice and to comply with the obligations of the Constitution, I agree with both of the Senators, in saying that this Union is not worth a straw. I agree to all that. But, sir, I know, in my heart, that justice will be done. I know that in my own State, (Vermont,) to which the Senator from Mariposa has alluded, the law will be repealed. I know it will be repealed, because an honest, just and patriotic people know it is not constitutional, know that they have committed an error; and they have not got too much State pride, thank God, to acknowledge and correct it. [Applause.]

But, sir, how does South Carolina stand on this point? Rhett, the head and front of this revolutionary movement in that State, says expressly, that the Personal Liberty Bills are not the cause of her action. He says that, in his judgment, the Fugitive Slave Law is not constitutional; and ought not to be observed by any State. He says that the causes of this movement have been gathering and deepening for thirty years. And who does not believe it, so far as South Carolina is concerned? Why, sir, there is a singular contrariety of opinion between the apologists of the South there, and her apologists here. I say again, that, in my judgment, there is no cause for revolution. Further, sir, the Senator from Mariposa acknowledged to me that he supported every resolution on your table, excepting the thirteenth. There is a resolution there which expressly declares that there is no matter, cause or thing, pending between the North and the South, which cannot be adjusted, and none which ought not to be settled by compromise. And I say that compromise ought to be tried before the South arrays herself with an armed force, attempting to break up this Government. That is my position on this question.

The Senator from Sierra, in tracing the causes of this revolution, takes us back to the Lecompton Constitution. He makes a gross attack upon Stephen A. Douglas. He says:

"The troubles which had been bequeathed from the former Administration, and existing in the Territory of Kansas, had been settled, as far as was within the power of the Administration, against Black Republican rebellion, and the Democratic party stood united around its chief and around its Administration. But, alas, at a fatal moment, when, according to all the forms of law, that bleeding Territory emerging from the dark clouds which covered it, sent its Constitution, the work of its Convention, up to Congress; at that time, let the Senator remember it, there was faction in the Democratic camp. A proud and gallant chieftain, upon whose head before that had been showered all the honors and the glory of his party, standing in the lines, saw fit to raise his hand and stab his leader in the back. Mr. President, that was the beginning of all our woe—that brought trouble upon the country, and together with other causes, brought it to its present condition. Douglas opposed the Lecompton Constitution. Having stood within the lines of the Democratic party, he now wrapped himself up, and like Achilles, withdrew to his tent. No, not like Achilles; he stood for a time on the shores of the loud sounding sea, but not satisfied with his inaction, he came back to take a part in the battle. And when he did take part in it, not against the common foe—not against the common enemy; but, forgetting all the doctrines he had himself proclaimed, he led the charge against the Administration and the Democratic party. What has been the course of things since then? He has persistently opposed the Administration; helped to break it down; weakened its power; taken from its control the Congress of the United States; and left thus, and thus alone, if James Buchanan has been unable to keep up that power in the Administration we might have wished, it is not his fault, and it seems to me the blame lies upon the head of Stephen a Douglas.

Sir, the Senator (Thornton) gives early promise of a career that shall add lustre and renown to an already illustrious house. For, sir, so long as eloquence shall charm the human mind; so long as patriotism shall remain an instinct of the human heart; so long as wisdom and virtue shall adorn the human character—so long will be loved and revered the name of the immortal Crittenden. [Applause.] Sir, he was the great compeer of Mr. Douglas in the struggle against the consummation of the iniquity of the Lecompton Constitution. He was there upon the ground. He knew all its surroundings. He knew the motives that prompted the action of every man contending for and against that abomination. And, sir, what does he tell us? His opinions have great and decisive weight with me, and I know they must have with the Senator. (Thornton.) He tells us, that the Lecompton Constitution was an abomination before God and man. He tells us that Stephen A. Douglas did his duty like a patriot and a statesman upon that memorable occasion; that he stood up nobly and bared his breast to power, and performed that duty at the price of sacrificing the fairest hopes that any man then had of attaining to the highest office under the sun. [Applause.] What said Senator Hammond of South Carolina, a secessionist, of the same measure? He said it (the Lecompton Constitution) was a bundle of infamy which ought to have been kicked out of Congress. And, sir, these two Senators (Merritt and Thornton) are the only two members of the Breckinridge party even, that I have heard, since the passions of that day have passed away, saying anything else, than that that was one of the grossest blunders of the present Administration. Perhaps, as the Senator from Sierra remarked, it is "the origin of all our woes;" but if so, it is the origin as identified with the Administration of James Buchanan and those who undertook to consummate the abomination. Why, sir, Mr. Douglas, an assassin! stabbing his leader in the back! Sir, when Southern rights have been in danger, who has always thrown himself into the breach in their behalf? Where has Stephen A. Douglas stood? When I think of all that great and illustrious man has done to accomplish justice for the South, and remember the manner in which the South has remunerated him, I cannot but exclaim, "Ingratitude! thou marble hearted fiend!" [Applause.] How oft, sir, have the congregated hosts of Democracy followed the white plume of that gallant chieftain to battle and to victory; when, as has been beautifully said, it waved to and fro amid the conflict, but never bowed to power, and was never stained by cowardice. Sir, Stephen A. Douglas stands, to-day, in the highest deliberative body of the land, the proudest among the proud, the boldest among the bold, the loftiest among the lofty; a Washington in council, and a Napoleon in action. [Applause.] Why, sir, he who stands in the councils of his country, and says he is above party; that he will sacrifice every word he has ever uttered, every line he has ever written, every sentiment he has ever expressed, on the altar of his country—*he*, an assassin! *he*, not a patriot! Sir, he has won for himself a fame as wide as civilization. Disappointed ambition, partizan hate, may hawk at it and try to tear it down, but there it will forever stand, a grand collossal column, its summit reaching far above the clouds, a beacon-light to freedom throughout the world.

Sir, the causes assigned by the honorable Senators for this revolution, are fictitious, and unworthy of any candid man's attention or respect. The real causes lie far deeper in the Southern heart than these. All these disturbances have been instigated by the anarchs of the South—by men whose lives have been a career of ceaseless, irretrievable rebellion to the Constitution and the law. If the stern logic of events discloses any

one fact prominently, it is, that the movement of secession is the culmination of a plot, first to break up the Democratic party at Charleston, thereby to secure the election of a Republican President, and make it the pretext of revolution, and the destruction of the Union.

The Senator from Sierra has talked much about John Brown raids; about poisoned wells, about murders, etc. in Texas, and in the South. Sir, when the Senator arrays these great crimes before us for the purpose of reprobating and condemning them, for the purpose of branding their authors with eternal infamy, I say amen to all that, and I would go with him to the bitter end of the law, to bring these great criminals to justice. But, sir, when he goes so far as to make these atrocities the subject of attack and general charge against the North, in the name of the North, I hurl them back upon the Senator, with unutterable scorn and contempt. Sir, in behalf of the people of the North, I deny these charges. They are an honest people. They mean to do justice and to respect the rights of the South. In spite of all your Personal Liberty Bills, you cannot show me an instance where the law has not been carried out. I admit in some things they have done wrong. But when the Senator makes these sweeping charges against my people, as a Northern man, I could not say anything less than I have said. I mean no disrespect toward the Senator. He has done much, since he came into the Senate, to warm my heart toward him; and I regretted much to hear him make such remarks.

Mr. THORNTON—I think the gentleman has wonderfully misunderstood my remarks. I never laid these things to the charge of the North.

Mr. EDGERTON—That explains the whole matter.

Mr. THORNTON—(continuing)—I laid them to the charge of the anti-slavery party and anti-slavery feeling, which exist in the North. Did not I take occasion, time and again, in the course of my remarks, to point to that gallant host of heroes who stand with serried shields around the Constitution for the protection of the South in all her rights? Then let it not be said that I have charged this on the North.

Mr. EDGERTON—Mr. President, the gentleman's explanation does him no credit, except so far as credit is due to the heart. He says he made these charges against the anti-slavery sentiment at the North. The sentiment of the North is *all* anti-slavery. Education, the nature of Northern institutions, soil, geography, everything, make the sentiment at the North, against slavery, in the same manner that these causes make the sentiment at the South, in favor of it. And I tell him that, with the exception of a miserable, black, anthracite element of the Republican party at the North, there is not one man, woman or child, in all that section that countenances the crimes he has recited here. And, sir, I am no Republican, as I think everybody knows.

I was sorry to hear the Senator intrude another unpleasant topic, into this debate. He told us that, if Northern citizens go down to the South, they will be in luck if they save their "carcasses" from bloody graves by speedy flight. Sir, I know the valor and courage of the gallant yeomanry of the South. I never shall underrate it. But, sir, I was sorry to hear the Senator allude to those things. While difficulties may occur between them, I hope in God the occasion never will arise when Southern and Northern brothers are ranged against each other in deadly combat. I solemnly believe no such strife will ever occur, and I close my eyes against the horrid catastrophe. The Senator and myself might investigate history, observe the collisions that have occurred in the past, between Northern and Southern hordes, and doubtless we would arrive at a common result as to the relative valor and power of Northern and Southern tribes, when brought in conflict. But, sir, I pass from these considerations, with a prayer that the trial may never come between our Northern and Southern brethren. But, sir, I can not but remind the South, that if these disturbances progress and increase, they will soon find a more deadly foe in their own midst, than will ever assail them from North of Mason and Dixon's line.

> "There is a poor, blind Sampson in this land,
> Shorn of his strength, and bound in bonds of steel,
> Who may, in some grim revel, raise his hand,
> And shake the pillars of this common weal,
> 'Till the vast Temple of our liberties,
> A shapeless mass of wreck and rubbish lies."

The honorable Senator pictured to our imaginations, in glowing colors, a peaceful disruption of the Union, and the foundation of splendid empires, North and South. Brain pictures, sir, beautiful to behold; but when scrutinized they dissolve away like an accumulation of clouds. Can any man be so wild, pardon me the expression, as to expect to see a peaceful, quiet, amicable, and bloodless disruption of this great confederacy? Sir, your eyes and mine will never behold the miracle. It is the most miserable delusion that ever haunted the diseased imagination of man. The shades of Clay and Webster pass in sad procession before me as I contemplate the dread experiment. Would that I could catch the inspiration of their sublime and mighty eloquence, that I might stimulate you to duty and light the fires of patriotism in your hearts. I quote those words of solemn, terrible import, and warn you that "if the friends of nullification" should be able to propogate their opinions, and give them practical effect, they would, in my judgment, prove themselves the most "skillful architects" of ruin, the most effectual extinguishers of high raised expectations, the greatest blasters of human hopes, that any age has produced. They would stand up to proclaim, in tones which would pierce the ears of half the human race, that the last great experiment of representative government had failed. They would send forth sounds, at the hearing of which the doctrine of the divine right of kings would feel, even in its grave, a returning sensation of vitality and resuscitation. Millions of eyes, of those who now feed their inherent love of liberty on the success of the American example, would turn away from beholding our dismemberment, and find no place on earth whereon to rest their gratified sight. Amid the orgies and incantations of nullification, secession, disunion, and revolution, would be celebrated the funeral rites of constitutional and republican liberty.

The distinguished Senator from Mariposa closed his remarks with a glowing tribute of affection to his native State. Sir, he can enter upon no encomium upon that great commonwealth, that will not awaken in me a cordial response. But, sir, the glories of the old Dominion are not hemmed in by State lines. The names of her great and illustrious dead, are jewels that sparkle in our national diadem. Whatever of good she has accomplished, whatever of fame she has won, has passed into the general fund of our national renown, and forms part of an inheritance, to which you and each of us are common and equal heirs. Proud mother of States and of statesmen! Heaven forefend that through secession, disunion, and revolution, she shall become another Niobe of nations; another Lone Mother of dead Empires,

> "Childless, and crownless, in her voiceless wo."

I shall pass no eulogy upon Vermont. There she sits, enthroned upon her eternal hills, girt with the spirit of liberty, and the love of her devoted sons. Behold her model institutions, her seminaries of learning, her civilization and prosperity, her contributions to science, literature, and art, her simple, pastoral, yet brave and patriotic yeomanry, and estimate her worth

for yourselves. Deep, real, and sincere as are my attachments to the land of my fathers, I am yet mindful that it is the proud panoply of my American citizenship alone that gives me dignity, character and security, both at home and abroad,—[great applause]—and my devotion to the Constitution and the Union, is superior to that which binds me to the spot whereon I was born. My patriotism is paramount to my State pride. My earnest prayer ascends to him who holds the destinies of nations in the hollow of his hand, that my country may outride in safety the storms that beat and howl around her. May she travel on, forever on, in the luminous pathway of empire, until her glory, her power, and renown shall have filled the globe.

"Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee,—are all with thee!"

[Prolonged applause.]

SPEECH OF M. M. ESTEE

Made at San Francisco Sept. 6th, 1884, under the auspices of the Republican State Central Committee.

Mr. President and Fellow Citizens:

The science of government has been the study of the most illustrious men of all ages, and as the power of the Republic rests in the people, the people themselves are responsible for the character of the government they enjoy.

Two years ago, there was a contest in this State between the Republican and Democratic parties. These two parties then went before the people on platforms almost identical in principles, so far as monopolies were concerned. Each party claimed to be anti-monopoly; both claimed to oppose corporate political power in this State; but the Democratic party received the unanimous support of the very corporations it claimed to oppose, and it was successful. It is impossible to imagine the reforms the Democratic party at that time did not promise. Every reform that was possible, and many that were impossible, it guaranteed to the people if it were but successful. Pretending to be anti-monopolists, they were meeting secretly with the corporations; as the friend of the masses of the people, they sought for and received the support of the corporations. By these means, they elected over three-fourths of the legislature and every State officer but one. The State Government was under their absolute control, so that if they have failed in keeping their pledges, it was not because they did not have the power within their own ranks to carry them out. No promised reform in any branch of the Government has ever been attempted by the Democratic Party, much less carried out, since it went into power. True, there were and are individual State officers who sought to

keep the pledges they had made to the people, but they have been over-bourne by the combined power of the party to which they belonged. The regular session of the Legislature two years ago failed to accomplish anything save to pass an unjust and unconstitutional apportionment bill. Fearing the coming election, the Governor called an extra session of the Legislature to remedy evils which they had already rendered impossible to remedy. For instance, this extra session was called apparently to provide needful legislation for the collection of delinquent railroad taxes. It was not called however until every railroad tax suit had either been settled or compromised by the Attorney-General. The Extra Session became one of the most distinguished farces known in the history of our State. Instead of the Legislature trying to make good laws, they seemed to be trying to make bad politics. They were looking for holes to get into instead of remedies for evils which clearly existed, and I most respectfully submit that in the acts of this extra session of the Legislature the Democratic party violated every pledge made by that party two years ago; for instead of being an anti-monopoly party, it proved conclusively that it was a monopoly party. Instead of favoring the collections from the railroad corporations of the taxes justly due from them, it adopted every known device to avoid it, until the railroads themselves came forward and settled their taxes in part. Instead of passing such laws in the extra session, or proposing such amendments to our Constitution as would secure the collection of these taxes in the future, they calmly adjourned without adopting a single remedy for these known evils. That I may do them no injustice, I beg to quote from that distinguished Democratic authority, the *Daily Examiner*. I find that on Feb. 2, 1884, the *Examiner* says in its editorial columns:

"Our report from Sacramento this morning shows that "the railroad monopoly has won the first skirmish in "the struggle for reform, and that its forces now occupy the "field of victory."

Now this was the reform Democratic Legislature elected

upon the promises made by them two years before. Such head lines as these were seen almost daily in the *Examiner's* statement of the proceedings in the Legislature and before the Railroad Commission: "The Railroad Corporations Successful!" "The *Examiner's* Statement Clearly Sustained by Unquestionable Evidence!" "Collusion Between the Railroad Commission and the Central Pacific Railroad Company!" "How New Passenger Schudules are Adopted!" "Hand Writing on the Proof Sheets Tells the Story," etc., etc.

Now, I do not question but that every one of these statements extending through a period of two years in the *Examiner*, was absolutely true, and being true it proves that the Democratic party, as a political organization, was not only in the interest of the corporations, but that this appears so plain and palpable in relation to the Legislature, that the acts of this body, and especially the Extra Session which was called for a special purpose, became a laughing stock to the people of this State. There were some true and distinguished men of that party who were and are not responsible for these acts, but the political organization of the Democratic party of this State as elected two years ago, went over body and soul to the monopolies.

But the strangest part of this whole business is, that after this extraordinary experience of two years, a few months ago the Democratic party met in Stockton, and issued a declaration of principles called a platform, in which they charged all their past failures to the wicked Republicans. In a word, they say in their platform that the thirty-three Democratic Senators were actually controlled by seven Republican Senators, and that the sixty Democratic Assemblymen were out-voted by twenty Republican Assemblymen. The whole story is senseless, and bears upon its face its own contradiction.

I do remember very well many years ago, when the Democrats used to say that one Democrat could whip five Republicans, but I never knew the Democrats before to admit that one Republican could whip five Democrats. And to be

frank, I never before believed that they could do this, but the Democratic platform says they can. I repeat, the Democracy for two years have controlled every department of the State government, and the Republicans merely stood there and listened to what they said, and voted upon the various questions which the Democratic party presented to them for consideration. I confess that had I been in the Legislature, I would have voted for every constitutional remedy for known and existing evils regardless of whom it benefited or whom it injured; but I would not have voted for any measure that remedied no evil, and that was a mere make-shift for political uses.

I am reminded in this connection that the Democratic party of the nation occupies a position equally unfortunate with the Democratic party of our State. Every thoughtful man in the country feels and recognizes the necessity of building up a navy. A nation of 55,000,000 people, reaching from the western shore of one ocean to the eastern shore of another, and whose territory is bounded only by the limits of a continent, should have a navy commensurate with the extent of its territory, the greatness of its wealth, and the numbers of its population; but in every instance the Democratic party has voted down when in the House of Representatives or in the Senate, every measure introduced for the purpose of constructing a navy.

Mr. Hendricks, the Democratic nominee on the Presidential ticket, said in his speech delivered only the other day at Indianapolis, that "It is a subject of amazement and mortification, that with its abundant resources this nation should consent to occupy so contemptible a position among the maritime nations of the world. There is more than one South American Government that has a navy with which ours could not cope. It has been said by the highest authority that Chile has armored ships that could sail into the harbor of San Francisco and put that great city under contribution at pleasure."

One reading that extract, would suppose that Mr. Hendrick and his party were in favor of constructing a navy, and

would use all honorable means in every department of the Government to secure the passage of such laws as were necessary to build up a navy "commensurate with the resources of this great nation."

But I find elsewhere in the same speech, where he was explaining why the Democrats in the last House of Representatives voted almost in a body against the bill presented by the administration, praying the National Congress to make suitable appropriations for a navy. He says: "The Democratic Congressmen defeated a bill providing for a small addition to the navy. I understand the opposition was made because of a want of confidence in the Department, as organized for the best construction of new vessels, and the completion of old or unfinished ones upon the best plans." It will thus be seen that, however much the leader of the National Democratic party, Mr. Hendricks, wanted a navy "commensurate with the resources of this nation," he in effect said that he would willingly imperil the nation by refusing to make the necessary appropriations, if the expenditures were made during a Republican administration. He said the same thing during the rebellion. Let me remind the distinguished gentleman that he will not live long enough for a National Democratic administration to expend a sufficient amount of the public money of this nation in the construction of a navy to build even a yawl boat, for that party will never hold the reins of this Government. In conclusion on this point, I most respectfully submit that the Democratic party is not sincere in its pledges; it promises too much before election, and it does too little after election. The Republican party has never in its platform, or elsewhere, either promised to do what it has not done, nor has it done that which would imperil any of the rights of the people, that the humblest or greatest man among us possess. We have claimed always that all men and all interests should be protected by law; and that the same constitution that guarantees to the millionaire security, also guarantees to the humblest man that toils for his bread, protection to him, to his family and to his labor.

But, fellow citizens, the great national issue now before the country is the tariff question.

The Republican party is to-day, as it always has been, for a tariff for protection. The Democratic party is to-day, as it always has been, for free trade, or for a tariff for revenue only. This issue is paramount to all others, and it now commands the undivided attention of the American people. It is the living and vital issue of the hour. The protection of free labor from the beginning has been one of the fundamental principles of the Republican party. To protect free labor you must protect the products of free labor. You cannot with even a show of intelligence pass laws prohibiting Chinese from landing upon our shores and thus competing with our own people in the field and in the factory, and at the same time admit free of duty products made by them in their own country. If you will do this you might as well transplant at once to our country the 400,000,000 of Chinamen to compete with free white labor in America in every field of industry. What is the difference, whether they work at home or work here, if the products of their labor come in competition with the product of our labor? Look at the condition of our country while slavery existed in the South. No free white men went there to work in ordinary labor pursuits, and why? Because no free white men could compete with servile labor. The duties and responsibilities of American citizenship are too expensive. Civilization is too expensive; freedom is too expensive; school-houses and churches and good roads are too expensive for our free American laborers to compete with those who do not enjoy these blessings; they cannot work at the prices for which laborers in Europe and Asia work. If you would make every man his own thinker and thus fit him for the duties and responsibilities of his American citizenship, he must be free. Unless every man does think for himself, sooner or later some one else will think for him, and they will not think right, and the few will govern and the many will be governed. Therefore to protect American labor and American products means to protect American civilization,

and to make secure American freedom, it means more — it means to protect the American Republic and to guarantee the fullest liberty to every free and independent American citizen, native born or adopted. This is the real Declaration of Independence.

Mr. Morrison, the Democratic leader in the House of Representatives, during the last session of Congress, presented a tariff bill which provided among other things that there should be a graduated scale of 20 per cent. reduction upon the imported articles upon which tariff was collected; and that you may know what that reduction would be, I will mention some of the articles of California production, and will give you the present tariff upon those articles and also the tariff after this proposed 20 per cent. reduction, giving the figures side by side.

Honey, 20 cents a gallon,	as reduced	16 cents.
Beeswax, 20 per cent. ad valorem,	" "	16 per cent.
Refined borax, 5 cts a pound.	" "	$3\frac{3}{4}$ " "
Barley, 20 cts. a bushel,	" "	16 cents.
Hops, 8 cts. per pound,	" "	$6\frac{2}{5}$ "
Figs, 2 " " "	" "	$1\frac{3}{5}$ "
Oranges, 25 cts. a box,	" "	20 "
Lemons, 30 " "	" "	24 "
Quicksilver, 10 per cent. ad valorem,	" "	8 "
Champagne, quarts, $7 per dozen.		
Still wines, 50 cts. per gallon.		
Beer 20 cts. per gallon,	" "	16 "
Vinegar, $7\frac{1}{2}$ cts. "	" "	6 "
Salt, 20 per cent. ad valorem,	" "	16 "
Wool, depending on quality, from 2 to 12 cts, per pound,	" "	$1\frac{3}{5}$ to $9\frac{3}{5}$ cents.
Limes and Grapes, 20 pr ct. ad valorem,	" "	16 cents.
Raisins, 2 cts. a pound, ad valorem,	" "	$1\frac{3}{5}$ "

The above shows the present tariff, and also the proposed Democratic tariff upon the articles mentioned. The Morrison bill provided for the reduction, as I have stated, on each of these articles of 20 per cent. It can thus be readily seen what effect the Morrison bill would have had upon the industries of California.

In San Francisco, according to the assessor's report, there are over fifty kinds of manufactures which, in the aggregate, employ over 30,000 people, and last year the product from these factories was about $66,000,000, and every article

thus manufactured is protected by a tariff, and which tariff would have been cut down by the Morrison bill 20 per cent.

Let me ask you here, is there a wool grower, is there a wine-maker, or a raisin-maker in this State who wants the Democratic system of tariff to prevail and the Morrison bill to become a law? What would the effect be upon our laboring classes? Those who make raisins and wine in Europe can get labor at from 15 to 30 cents per day, wages which would not pay for the shoes that our children wear going to school to prepare themselves for the duties of American citizenship. Where is the Democrat or Republican who in his heart wants American labor reduced to European prices? But this is the Democratic system of government, and the Morrison bill is a Democratic measure, and but for the Republicans in the House of Representatives and a few Democrats, this measure would have become a law. There were four Democratic congressmen in this State, be it named to their eternal honor, who thought more of the people they represented than of the party they belonged to. For fifty years the cotton States, so called, have favored servile labor and free trade. I speak of this as a historical fact and in no other sense. For fifty years the cotton States have controlled the Democratic party, and but for them today there would not be enough of the Democratic party left to make a shadow. They mark out its policy, they furnish it with brains, and although cotton is no longer "king," yet cotton will be "king" and the cotton States will hold the mastery over all the other industries of the Union as they now do over the Democratic party if they should succeed at this election. But in the providences of God, the votes of the toilers of America will be given to Blaine and Logan.

The main point made by the Democratic party in all its attempts to reform the tariff, is that the Republican party is collecting too much revenue, and that the national debt is being too rapidly paid off. They seem to forget, in the first instance, that the Republican party maintained the integrity of the Union by incurring this great national debt, and that the Republican party is in honor bound to maintain the in-

tegrity of the nation by paying off the debt when it is due. They forget another thing, that this great nation should have a navy worthy of our position among the people of the earth, and that this will cost money. It is true, the last Democratic Congress, to its eternal disgrace, voted against and defeated the bill providing for the construction of a navy as before stated, on the ground that the money would be expended by a Republican administration. But we shall not always have a Democratic House of Representatives.

Two systems of tariff are known to the English-speaking world. One is called the American system of tariff, which is protection for American labor and American industries; the other is called the English system, which is free trade, or a tariff on a few specific articles. The two systems for many years have been in direct conflict one with the other. The English people being an insular people and a manufacturing people, and not self-supporting as to the necessaries of life desire free trade, but the American people being a continental people, having a vast country full of undeveloped resources, and peopled with intelligent free labor and with a surplus for export, desire a tariff for protection. It being a free couutry, labor is expensive, for, as I have before said, freedom is expensive. The Republican party, for these among other reasons, has during the whole period of its existence favored a tariff for protection.

The Democratic party from the very earliest history of that party, has in season and out of season, boldly opposed a tariff for the protection of American labor and American industry. The war of the Revolution and the war of 1812 were a test of physical strength between America and Great Britain. Both of these wars were fought out by America in defense of American liberty and American commerce. The tariff is another contest in part, between the same people for the mastery in every department of industry and production. The Americans who are born here and the adopted citizens who were once British subjects, but who now live here, join in saying that America should protect her own people in preference to the people of any other na-

tion. England wants free trade so that she can find a market for her wares. America wants a tariff for protection, so that her own people may be protected in their industries, and so that they can find a market for their products at home and abroad. What England wants America does not want; and what might benefit the laborers of England would certainly destroy the laborers of America. But the Democracy say that the Republic will not prosper under what is known as the American system of tariff, which is a system adopted and favored by the Republican party for over 20 years. Let us see if this is true. In the year 1880 the total wealth of the United States was $43,642,000,000, showing an increase in the national wealth of nearly 400 per cent. in 20 years. Since 1860 we have had high protective tariff. In 1865 the debt incurred by the war from all causes was estimated at about $8,000,000,000. This included expenditures incurred by the war, both at the time the war was going on and since, together with the debt that accumulated at the close of the war, and interest paid since then. The actual debt at the end of the war was $2,680,000,000. Since that time this Republic has paid in interest on the debt, that is since 1865, $2,100,000,000, and has reduced the National debt from $2,680,000,000 to about $1,600,000,000; and in principal and interest since the close of the war, we have paid over $3,700,000,000 of the National debt.

During the twenty years from 1860 to 1880, the population of this Republic has increased over twenty million people. The population of our large cities has more than doubled, and our small towns of eight thousand inhabitants and over have increased from 141 to 286.

The products of our coal mines have during the same period increased from fourteen million tons annually in 1860 to eighty million tons in 1880.

Our iron mines in 1860 turned out only nine hundred thousand tons of ore, while for the year 1883 our iron mines turned out eight million tons, nearly nine times the amount in 1860.

In 1860, there were 130,000 people engaged in the wood

manufactures of the United States. In 1880 there were 340,000 persons engaged in the same business.

The number of hands employed in the woolen manufactures of the country have increased from 60,000 in 1860 to over 160,000 in 1880, while the value of the products has increased from forty-eight million in 1860 to over 270 million in 1880.

Our cotton mills have more than doubled, now employing over two hundred thousand persons in that industry alone, and the imports of cotton goods have declined in the United States from 327,000,000 yards in 1860 to 23 million yards in 1881, while the exports in 1881 reached 150 million yards.

So the silk industries in 1860 employed only five thousand people, while in 1880 over thirty thousand were employed in that industry.

In 1860 there were in the United 12,000 men employed in the manufacture of stone and glassware, while in 1883, there were 35,000 employed in that business.

But our agricultural industries have increased in even a greater ratio. The number of farms in the United States in 1860 was about two million. In 1880, there were over four million one hundred thousand, and the value of the farms and farm products has increased from three billions in 1860 to over ten billions in 1880.

Owing to the duty upon wool, the number of sheep in the United States increased from twenty-two millions in 1860, to over 40 millions in 1883, and the number of persons returned as employed in all of the productive occupations of the United States has increased in the last 10 years, that is from 1870 to 1880, from twelve million five hundred thousand, to seventeen million five hundred thousand, the ratio of increase being in excess of that of population in the proportion of 40 to 30.

These statements are taken in part from the report of R. B. Porter, one of the members of the Tariff Commission who gave two years to the investigation of this matter before making his report to Congress.

The reasons for this wonderful progress are two-fold; first, because the high tariff gives an increase of employment to

the laborer and higher wages than in any other country in the world; and second, because our natural resources are greater than those of any other country, because we make everything we use and raise everything we eat. If we pay the working people of our country high wages, the wealth of the country will increase, the people will be happy and prosperous. It is the poor alone who need the protection of the laws, the wealthy can take care of themselves. A high tariff does protect the poor, because it keeps our market at home which is the best market for our own produce, and by maintaining a high tariff it gives to every man an opportunity to work. It keeps the money which goes to pay for the manufactured products in the country, where it is spent among our own people. Indeed, it is estimated that 80 per cent. of the cost of production of manufactured articles in the United States goes to the laborer, and if that 80 per cent. goes to the laborer, that money, or at least a part of it, goes also to our own people for our own produce, bought of our own people and consumed by the operatives in the factories. Strange as it may seem, notwithstanding this marvelous increase in the products of the country, and increase in the pay of operatives, yet the purchase price of many of the necessaries of life in the United States have largely decreased since the adoption of the high tariff of 1860. It may be noted in this connection, that the working classes in this country get wages from 75 per cent. to 150 per cent. higher than in any other country on the globe, and with the bare exception of woolen goods and one or two other articles, they can buy everything else cheaper in America than in any other country. Their rents are less, land is cheaper, their food averages from 15 to 30 per cent. less than elsewhere.

But it is claimed by the Democratic party that this tariff affects only the wealthy, and that it does not protect the laborer and the producer. The figures that we have just given show conclusively that this is not true.

Again, look at the tariff on wines and wool, and on almost everything that the farmer raises; and also look at the wages paid to our laborers. Pay a man good wages and he will

take care of himself and his family anywhere, and do it well; it is small wages and a limited amount of work that makes the poor man poorer.

It appears from recent statistics also that 90 per cent. of the farm products of our country are consumed in the United States. Now every factory that is built increases the demand for that product. The nearer a man's farm is to the factory, the greater will be his opportunities to sell his produce for good prices.

It will be found to be an undeniable fact that not only farm products but farm lands have a value in proportion to their nearness to or remoteness from the prosperous manufacturing centres, because there they always have a market at their own door.

I need only to call your attention to one more fact. We send a vast amount of breadstuffs to Europe, and especially to England. Now the freight from Chicago to Liverpool averages from 18 to 49 cents a bushel on wheat and corn. Must not the poor people in England, where they get from one quarter to one half less wages than our people do, pay correspondingly a greater price for their breadstuffs than we do because of this high transportation, which adds so greatly to the value of these articles?

The average price of transportation of grain from California to Liverpool during the last ten years is about $13 per ton, and the consumer there must certainly pay this.

To show that the high tariff maintained by the United States is advantageous to the laboring poor, look at the financial condition of our laborers. Great Britain is one of the oldest and wealthiest nations in the world, yet in 1882, with its vast laboring population, the whole amount in the Savings Banks and Trust Companies in Great Britain is less than $418,000,000, while at the same date in this comparatively new country, where the opportunities for investment are large, there were deposited by the American industrial classes in like banks, $1,003,500,000.

According to Chamber's Journal for 1884, it appears that estimating the products of labor to be 100 in Great Britain,

56 per cent. goes to the laborer, 21 per cent. to capital, and 23 per cent. to the Government. In France 41 per cent. goes to the laborer, 36 to capital, and 23 to the Government. While in the United States where, this high tariff prevails, 72 per cent. goes to the laborer, 23 per cent. to capital, and only 5 per cent. to the Government.

With high wages come the enjoyment of social life, the capacity for intellectual culture, the increase of opportunities for schools and religious instruction, better food, better clothing and better homes, and far better mental and physical endowments. Good homes, it is admitted everywhere, tend to diminish crime. If it be true that a high protective tariff is destructive to the interests of the poor, and injurious to the laborer, then why is it that from the year 1872 to 1882, ten years, 3,949,264 foreigners came into the United States, nearly every one of them belonging to the laboring classes, and of that number 1,175,155 came from England and Ireland, where free trade prevails? Why do people leave such delightful opportunities at home if free trade is advantageous to the working classes, and come to this country, where there is a high protection tariff and where the Republican party rules? Every newspaper in England to-day is for Cleveland and free trade. But those in our own land who toil for their daily bread, those who work on the farm or guide with trained and deft hands the movements of machinery; those who stand by the burning forge or mark with matchless precision the fall of the trip-hammer or the movement of the plane; those who live in the forecastle of American ships that follow the noiseless paths of commerce; those who with sleepless vigilance direct the engines on their iron way across the land and hold traffic subject to their will; those who through the weary nights guide thought by a finger touch across continents and under oceans and make the world every man's audience, and bring the news from all lands, like the breath of the wind or the flash of meteors, are the toilers of this great nation and they are for Blaine and Protection.

But I am not limited to the views of American statesmen to sustain the position I take that a protective tariff in America is beneficial to the country. In a speech made by Prince Bismarck in the German Parliament on May 14, 1882, that distinguished statesman used the following language: "The success of the United States in material development is the most illustrious of modern times. The American nation has not only successfully borne and suppressed the most gigantic and expensive war of all history, but immediately afterwards it disbanded its army, found employment for its soldiers and marine, paid off most of its debt, gave labor and homes to all the unemployed of Europe as fast as they could arrive within its territory, and still by a system of taxation so indirect as not to be perceived, much less felt, the United States found every year a great and growing surplus in its treasury, which it could expend upon National defense or upon National improvements. While the American Republic was enjoying this peculiar prosperity, the countries of Europe, which America most relieved by absolving their unemployed population, were apparently continually getting worse off. It is my deliberate judgment, concludes Bismarck, that the prosperity of America is mainly due to its system of Protective laws, and I urge that Germany has now reached that point where it is necessary to imitate the Tariff system of the United States."

So in the report of the French Commissioners from our Centennial Exhibition, made to their own Government. They say: "Under the shelter of a prohibitory system, the "people of the United States have organized a powerful in- "dustry, which rivals England in cheapness." And they recommended a careful study of the system of tariff adopted by the United States, as the best and most perfect system for the collection of revenues to sustain the Government, known to civilized man.

The president of the German Commission to the same Centennial Exhibition, reported to his people: "That the "present condition of American manufactures shows the "fallacy of the free trade doctrine; that the manufactured

"products of a country are raised in price by protective "duties."

The civilized world comes to us for food, because we produce it; our agricultural implements are sent everywhere because they are the best; our clocks and watches are now being introduced into every land, because they testify to the best skill of our artisans; our cotton goods are bought because we produce them more cheaply than any other people. Even our sheetings compete with Lancashire itself, and win favor in every market of the world. Our cutlery challenges the best cutlery of England, and has put to test the manufactures of Sheffield. Indeed American manufactures and American industry have already sought and found a market for our productions in every civilized nation of the world. We import into the United States much less than we export, while nearly every European country imports more than it exports; showing conclusively that we are gaining in wealth while they are losing.

In former ages the great prizes of life were won upon the field of glory. Now, they are won in the field of industry. He who can render "industry more varied or more efficient" is the winner of the first prize. It is true that we still have soldiers and we shall continue to have wars, but when the wars end the American soldier becomes a citizen and a producer. One-half of the American people are not engaged in filling the mouths of the other half who do not work.

James G. Blaine, our nominee for President, is the most illustrious statesman of our time. His knowledge of State craft has grown with his increasing years; his broad humanity, his patriotic devotion to his country in every hour of its peril, and his interest in the masses of the people have stamped him as the great commoner of America. It was he who, in the interest of the laboring people of our country, took an early and heroic stand for the exclusion of the Chinese from our shores. It was he who, in practice as in theory, maintained the Monroe Doctrine and the honor of the American name. He it was who stood beside the lamented Garfield when the hand of the assassin struck him down, and through all the weary months of watching he never left him. His election will be an earnest to the young and ambitious men of our country that devotion to the people has its rewards, and that splendid abilities are the stepping stones to highest honors.

Anti-Monopoly!

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Morris M. Estee

M. M. ESTEE'S

GREAT

PLATT'S HALL SPEECH.

The following Speech was delivered at Platt's Hall on the evening of Thursday, September 14th, 1882:

Mr. President and Fellow-citizens:—

In a Republic like ours, the government of the people rests where it ought to rest—with the people. Parties are formed only as instruments in the hands of the people to carry out their will; and platforms are charts by which parties are to be guided, and pledges by which candidates for office are to be bound, and by which *they should be bound.*

We are now upon the eve of an election which is to decide between the two contending parties, between two sets of candidates, and between issues which are disturbing the public mind.

The inquiry presents itself—What are the true issues before the people? To which of the two parties can these overshadowing questions now be most safely entrusted?

THE SUNDAY LAW.

The Democratic party say that there shall be no Sunday—no day of rest or recreation—that laws relating to this subject are sumptuary laws, and are wrong and should be repealed.

The Republican party says in its platform:

"That history and experience unite to prove the "necessity of preserving one day in seven as a day of "rest from labor. That without legislation on this "subject, the laboring classes might be compelled to "continue in unceasing toil; therefore, we are in favor "of observing Sunday as a day of rest and recreation, "and while we expressly disavow the right or wish to "force any class of our citizens to spend that day in any "particular manner, we do favor the maintenance of the "present Sunday laws, or similar laws providing for "the suspension of all unnecessary business on that "day." [Applause.]

My friends and fellow citizens, the issue on this subject cannot be misunderstood. The Democratic Convention declare they inherit their principles on this subject from Jefferson and Jackson. This is not true; for one, if not both of these distinguished men, believed in and kept Sunday as a day of rest from labor.

The Democratic party have attempted to do in their platform what no other party and no civilized country in the world have ever done before; what no State in this Union has attempted to do before; they would wipe from our statute book laws which have long been engrafted upon our system. Sunday, as a day of rest and recreation, is not a new thing with us. It was not first discovered and introduced in America. No, the Spanish Cavaliers brought it with them from Spain to Florida; the Hollanders engrafted it upon the old Holland purchase in *New York* and *Pennsylvania*; the descendants and followers of Frederick the Great planted it upon American soil and gave it root upon every spot where their industrious hand have touched our land;—the Mayflower landed it upon Plymouth Rock, and France gave it expression in Louisana. Indeed, it is a custom of our country, brought here from the fatherland, dear to all men and injurious to none. [Applause.]

We do not demand its observance as a religious institution, but those who desire to observe it in that way shall be protected in doing so. We do not say in what manner you shall observe that day, but we do say that the laboring poor shall not be forced to work on Sunday, and that the noise of machinery shall not then be heard. We declare it to be a day when separated families may come together; when the old and the young alike may look upon the blue sky and see the green

fields, and hear the birds sing, and enjoy all the comforts of repose, and receive all the benefits of rest; when neither schools of learning, nor courts of justice, nor the marts of commerce shall be opened; and when poverty and want shall find pity in the hearts of the rich. The keeping of Sunday as a day of rest and recreation is a custom as old as civilization and as universal as the love of freedom. The Republican Party has not taken the back track in the path of human progress, or shown itself too cowardly to assert or maintain a great principle. [Applause.]

THE CONTRACT SYSTEM.

The next issue is the contract system, recently introduced in California by the Railroad Companies. It is true both parties declare against Railroad monopolies, but neither party can remove these monopolies; the only way to destroy such a monopoly, aside from the question of regulation, is to build a new railroad which will compete with it; but there can be no practical competition against one hundred and fifty millions dollars—the present value of the Central Pacific and Southern Pacific Railroads. It would take one hundred and fifty millions of dollars more to start such a competition, and when the new road was finished, the two would combine rather than compete. This is the history of railroads all over the United States, and no declaration of parties can change it.

We have but one remedy, and that is regulation by law. Do not misunderstand me. I make no war against railroads, as such. I believe in them; but I also believe they should not be used as a means of oppression. The people of this coast, at a very early period, took great interest in the building of the Pacific Railroad. Vast sums of money were cheerfully given by the State and by many of the counties of the State through which the railroad passed to aid in its construction. Your own city gave $400,000. The general Government stepped in and made enormous donations of land, money and credit to the Railroad Companies. At the time there were few objected to these gifts. Railroads had already become a necessity to the inland commerce of the country and communities remote from navigable streams could not compete with the rest of the world, unless by rail. Neither the pursuits of peace nor successful war can be carried on without calling

into use railroads and railroad transportation. The stoppage of all railroad traffic for one week would cause a famine in some of the large cities of the country. The business of the railroads of the country, their extent and their value, have become enormous. There are to-day one hundred thousand miles of railroad in the United States, built at a cost of not less than six billion dollars. There are employed, directly and indirectly, over one million men in railroading These railroads move the entire products of the country. There are no mountains too high for them to scale, nor valleys too deep for them to reach. They enter every town in the whole country, and control every enterprise. No American lives out of the hearing of a railroad whistle; their combined power is greater than the Government itself. No sane and truthful man can doubt that railroads are now a necessity, and the necessity for their use increases in ratio to the increase of the production of the country. No business, however trifling, can be conducted without dealing with them; no factory can be run or produce sent to market without being obliged to patronize them. Wealth pays them tribute and poverty is silent in their presence. Their power now is only measured by their demands, for competition against them is practically impossible. [Applause.]

These facts admitted, the inquiry is then made: "Where is the injury inflicted by the Railroads? What wrong have they done? What objections can there be to their management? What danger now menaces the country?"

Before proceeding to answer these questions, let me say that no honest man wishes to take from another that which is his own, and that railroad property is entitled to protection by law; that all investments by railroad companies ought to be entitled to produce a fair income on the investment; that railroading is a legitimate business, and when followed in a legitimate manner, is entitled to and should receive the moral and financial support of the community. No one objects to railroads as such; their necessity, their very importance in the business affairs of the country make their improper management the more dangerous to the people. They are common carriers for hire; their use is a public use; the people gave them the benefit of the sovereign power of the State to condemn private property for their use, so

that they might exist. They are as much a public institution as a toll-road, or toll-bridges. Though their ownership is private, their use is for the public; therefore the public is entitled to and should receive equal and exact justice at their hands. Right here is the vice of their management; here is the wrong we complain of. They do not deal with all the people alike; they demand of different men different prices for the same services. They say to one man, "We charge you one dollar per ton to carry your grain or your goods from your shipping point to a certain other point;" and they say to another man, "We shall charge you two dollars per ton for carrying the same freight the same distance;" not because it is worth more; not because it costs more than the first man's freight, but simply because we have made a special contract with him, giving him special privileges which you are not permitted to enjoy. If they can do this in one instance and in a small degree, they can do it in many instances and in the highest degree, and thus drive out of the community or out of business, any man against whom they may entertain an objection, and they object to all men who rebel against their rule. [Applause.]

About the first of May, 1882, they notified all shippers on the Pacific slope of a very large increase in the rates of freight. The following is the actual amount of increase on iron, hardware, etc., and on merchandize, like dry goods, the increase was even much larger:

	Old Rate.	New Rate.	Advance.
Hardware	4	6	2
Sheet-iron	1¾	4	2¼
Iron Pipe	1¾	4	2¼
" Rivets	2	4	2
" Pipe Fillings	2¼	4	1½
Lanterns	4	6	2
Copper—sheet, bar, rod, etc	4	6	2
Brass—sheet, casting, etc	4	6	2
Nails	2½	4	1½
Pumps (Hand)	3	6	3
Rubber Hose	3	6	3
Pig Tin	2½	4	1½
Tinners' Trimmings	4	6	2
Store Trucks	4	6	2
Wire Cloth	4	6	2
Zinc—sheet and slab	2½	6	3½

At the time of this increase by the Railroad Company they were making and receiving a gross income per annum of over nine thousand five hundred dollars per mile on the twenty-eight hundred miles of railroad that they owned or controlled. This includes all small roads as well as the main lines. They were receiving a net income of over three thousand seven hundred and thirty-one dollars per mile on all of their roads, which is an actual net income of about fifteen per cent. on their assessed value in this State, thus showing that the increase was not made from necessity, or with a view of giving them only a fair income upon their investment, but that it was done for an entirely different purpose, namely: to enforce the signing of their special contracts, which all shippers were, at that time, notified to come to the main office of the company in San Francisco and sign; and which contracts provided—first, that such shipper should ship all his freight from the Eastern States to this coast by their railroad; and second, that such shipper should not sell goods to any man who shipped freight to this coast by sea; the clause in the contract thus imposed upon the shipper, relating to this question, reads as follows:

"All such goods, wares and merchandise shall be "shipped by way of its railway. Therefore it is un- "derstood and agreed that the party of the second "part is firmly bound not to permit or allow any per- "son or firm, dealer or merchant, who is in the habit "of receiving goods from points in the United States "and Canada, east of the Missouri River, by way of "the sea, or by any other route than those indicated "by the party of the first part, to partake of the benefit "of this agreement.

"And it is further declared to be the understanding "and agreement of the parties hereto that the sale or "delivery to any such person or firm, who is or may "be accustomed to receive goods by other routes than "those indicated by the party of the first part, of any "goods shipped by or to the party of the second part "under this agreement, would be and shall be consid- "ered as defeating the objects of this agreement. "* * * And it is further agreed that in case the "first party at any time have reason to believe that the "second party has violated the terms of this agree- "ment, said party shall have the right to examine the "books and papers of the second part in so far as may

" be necessary to determine the truth of the matter in " question."

It will thus be seen that the railroad first fixes a schedule of freights that will bankrupt any man who ships goods by rail, and pays those rates—and then turns upon the shipper, with its hand on his throat, and says : " Sign this contract, agreeing to ship all your goods by our road, and agree not to ship any by sea ; and agree further, not to deal with any man who does ship his goods by sea, or we will compel you to pay such rates of freight as will destroy your business and drive you to ruin."

Add to this the further fact, that immediately after the signing of these contracts by the merchants of San Francisco, namely, on or about the 10th of August, 1882, the Railroad Company changed back to the old prices for freight shipped without contract; for after the merchants had signed this agreement, it was no longer necessary to work upon their fears by holding out as a penalty, the payment of double or treble freight, if they refused to do so. It may be well said that this contract is against public policy, and void; but although void, the shipper would have no remedy. His appeal to the Courts would amount to nothing, because after the contract was declared void, the Company would then say: " Pay the rates of freight we have fixed for parties who do not sign special contracts," and these rates, as originally established, would necessarily destroy his business.

The real point in this whole proceeding is to make all the freight coming from the eastern States and the Canadas come by rail and to prohibit any of it from coming by sea, thus making all vessels from Atlantic ports coming to the port of San Francisco, come here in ballast; the shipper of grain would therefore be compelled to pay double freight upon his wheat shipped to foreign parts. This, fellow citizens, is the first carload of rock that the railroad company has dumped into the entrance of the Golden Gate, and the question with the people now is whether they shall take up the fight now, at the commencement of this great, cruel and monstrous wrong, or whether they shall wait until the mouth of the Golden Gate is practically closed to commerce; for if the railroad company can exact and impose such terms as it pleases upon all the shippers on the Pacific Coast now at the commencement of the contract system, what can it not do after a term of years, when these

aggressions have been endured without remonstrance?

Such a contract as this has no parallel in the history of modern times. Nothing like it was ever made before; never before have merchants been compelled to consent to their own robbery. But those who suffer most are not the merchants, but the people, the consumers, the farmers of the State, who buy of the merchants and who ship their wheat to Europe to pay for what they thus purchase. [Applause.]

In order that every hope of relief may be destroyed, the same corporation has entered into a combination with the Pacific Mail Steamship Company, under which, by paying a monthly subsidy of many thousand dollars, they are permitted to fix the price of freights carried by that company, and they fix it so high that few can afford to ship freight by that line—thus again depriving the people of the only remedy that they had against this tyranny, for they fix the rate of freight by sea and by land. And yet further, when ships cease to come to our port, then we will be compelled to ship our wheat by the Southern Pacific Railroad upon the terms that that company may choose to impose upon us. This new contract system is the longest step ever taken by any power less than a tyrannical government itself to enslave a people. We say in our platform:

"That we denounce the railroad contract system as "a deliberate attempt to enslave the commerce and "trade of the whole Pacific Coast, and subjugate them "to the control and caprice of the railroad companies. "It is against public policy, because it seeks to make "use of the national bounty to break down that health- "ful competition which it is the policy of the nation to "encourage. It is unjust and oppressive, because it "discriminates in favor of the strong at the expense of "the weak, and offers bribes to the rich which it col- "lects back from the poor. It is arbitrary and tyran- "nical, because it arrogantly interferes with the free- "dom of trade, and proposes to prohibit those who "make use of its transportation facilities from doing "business with any one who refuses to submit to its "dictation. Its existence is a threat and its abolition "a necessity. The Republican party pledges itself to "prohibit the making of any such contracts, by proper "legislation, to the extent, if necessary, of making the "same a public offense." [Applause.]

Our Democratic friends say nothing upon this sub-

ject. They do not even mention the contract system or make any complaint against it, nor has any one of our Railroad Commissioners ever deemed it of sufficient importance to remonstrate against this great wrong. [Applause.]

The Democratic party complain of railroad aggressions, but they point out no particular evil nor do they indicate any remedy; but yet it is clear as sunlight that this contract system aims at nothing less than the destruction of our commerce by sea, the payment of tribute by our merchants and producers, the enslavement of our people, and, in time, the destruction of our city and port. Our future growth and business is menaced, our liberty imperilled, for the Constitution of our State is boldly and openly disregarded and violated; our only remedy is open, determined, uncompromising rebellion against this rule; it is independence now or slavery afterwards. [Applause.]

For a century Tripoli and other barbarous States demanded tribute from the commerce of the world, and the commercial world rebelled against their exactions, fought them, and defeated them. These corporations now make war against the commerce of their own country, and trample under foot its Constitution and its laws. Again let me say, this system would make every wheat ship come here in ballast and thus compel every wheat shipper to pay double freight on his wheat shipped to Europe. It would drive American commerce and American shipping from the sea, and close the port of San Francisco against the commerce of the world. It gives to these corporations the right to examine the books of each merchant, and for what? To ascertain if they have robbed the revenue? No. To see if they have cheated their creditors? No. To learn if they have wronged any man or taken from another that which is his own? Oh, no! They claim the sovereign right to do what even the Government cannot do, namely: to inspect the merchant's private books to ascertain if they ship any freight by sea! Merchants of San Francisco! are you criminals that you submit to this great wrong? You show your books to the railroad detectives? You are no longer masters of your own business. You listen then to the stealthy footfall of the railroad detective as he dogs your way through our streets and then ask yourselves, "Are we American freemen?"

The Republican platform pledges our party that it shall be made a crime for them to impose these contracts on the people. This shall be your remedy, and I pledge you, should I be elected, that platform shall be the chart by which my course shall be guided. [Cheers and applause.]

The Republican party faces to the front on every great issue, and defends without flinching every great principle. Cowardice with our party means defeat and dishonor. The Republican party came into existence in the most perilous period of the country's history to defend the rights of man. It stands to-day where it stood in the beginning. It will continue strong in the affections of the people while its leadership remains honest and its principles rest upon the rock of truth and justice. No man's property is imperilled, no man's threshold is in danger, while it remains in power. [Tremendous applause.]

UNJUST DISCRIMINATION.

The next complaint made against these corporations is that they unjustly discriminate between non-competitive points on their lines.

To illustrate: they charge $4 25 for fare from San Francisco to Woodland, and only $3 from San Francisco to Sacramento, though Woodland is four miles nearer San Francisco than Sacramento is, and from both places passengers travel over the same road and in the same cars, except only from Davisville to Woodland, a distance of nine miles. They charge $49 a car for wheat from Bakersfield to San Francisco; but when some enterprising parties erected a flouring mill there and commenced to ship flour to San Francisco, they immediately charged $200 a car for flour to San Francisco, while at the same time they were only charging $49 a car for wheat between the same points, a price which could not be paid by the shipper—the object being to destroy that flour mill, so that the railrod company could carry wheat to San Francisco to be milled and then take the flour back to Bakersfield to be used, and thereby make double freight on it.

These are a few of the many illustrations that could be presented, showing the unjust discrimination of the railroad company between non-competitive points.

NON-PAYMENT OF TAXES.

The next complaint made against these corporations, is that they do not pay their taxes; in other words they

have risen so high above the law that the law cannot reach them. They have not paid a dollar of taxes for the last two years. They were taxed last year in this state to a valuation of twenty-seven million dollars. They themselves previously reported the same property as worth but little less than one hundred and fifty million dollars. After having been thus taxed on a valuation of about one-sixth of what they themselves say their property is worth, they then refuse to pay and do not pay their taxes except only when the Boards of Supervisors of the various counties through which the roads pass, accept the railroads' own valuation of their own property for taxation purposes. In other words these corporations have risen so far above the law and have become so powerful that they defy the State sovereign power of taxation. They themselves arbitrarily dictate the valuation at which their property shall be assesed, and the amount of taxation it shall bear. The law is not strong enough to compel them to bear an equal burden with the rest. Is this just to the other property owners of the State? Is it not tyranny? Is it not violative of every principle of free government, contrary alike to the Constitution of our State and the Constitution of the United States? Does not the logical consequence of this act lead to open rebellion against organized government? If they can defy the law in one thing may they not defy it in all things? If they can successfully stand in open warfare against the State on the vital question of taxation, how soon may they not subdue and control every business enterprise upon this coast? Have they not already done it by fixing their rates of freight to suit their own fancy, charging one man one price for transporting his goods and another man another for transporting his? These are questions which commend themselves to the serious reflection of every wise and patriotic man. [Applause.]

INTERFERENCE IN POLITICS.

Another still more serious complaint is made against the railroad corporations of this coast, which is, I think, the most dangerous of all—their interference in politics. For years they have used the great powers they possess in controlling and thus corrupting the politics of this State. They have made and unmade public men with all the cruel audacity of tyrants. They have trampled under the iron heel of unrestrained

power the aspirations of men who would not be their willing instrument. In open defiance of all law, of all morals, and of all fairness, and contrary to every principle of common justice, they maintain a political department in San Francisco, with vast and far-reaching machinery, where they have attempted to control even the ward politics of both political parties. They send their leading men into both parties and say to one man, "This is not your year to be a candidate for office;" and to another, "We have other candidates of our own for the office to which you aspire; you are not our choice, and we will beat you." Failing in driving the candidate from the field by threats, the word goes out from this political department to talk and write the man down. No slanders are too bad to be uttered of him; his name becomes a by-word; the very wind seems to whisper lies against him. Even the merchants stand mute, for to speak means their ruin. Long continued success has given boldness to their unrestrained cruelty. What independence can men have who are elected by these corporations? How can a man act for the people when he gets the very power to act through the men whose interests are in direct antagonism to the people? They at times pick up good men and favor their advancement, and thus hope to destroy their influence for good by putting their stamp upon them. The inquiry would seem to suggest itself, what is the remedy for these wrongs? The first is for the people to be brave enough to elect men to office who will be true to their interests. The next is to enforce the laws and the Constitution of our State. The next is to bring the matter so strongly before Congress that it will create an inter-State railroad commission with full power and authority to regulate the railroads of the country; and the last is for the general government to purchase the railroads. This would seem at this time almost impracticable. Under the present system, a free government cannot long exist as a pure government with a power in its midst greater than the government itself; for these vast fortunes centred in the hands of a few men having a common interest, combining for their own benefit, engaged in a vast and limitless business with the Government by reason of its carrying the mails and transporting its troops and freight, will sooner or later control

the Government by electing Presidents, Senators and Representatives. The original National Bank system, during the early half century of the Republic, was a monopoly of small proportions compared to the railroad monopolies of to-day, and yet it disturbed the public mind for nearly a quarter of a century, and was only destroyed by a civil revolution, the like of which was then unknown in the history of the Republic.

WARNINGS FROM THE PAST.

History seems to be repeating itself in America; for the special privileges and monopolies of trade, created by the tyranny of monarchical governments and their total disregard of the rights of the people, have been the self-forged levers to overthrow their own thrones and have inaugurated revolutions that marked new eras in liberty, and gave to these peoples the position among the civilized nations of the world that they were fast in danger of losing. True, they trampled under the foot of irresponsible war customs that had become venerable with age, and principles of government sanctioned by immemorial usage; the wrongs of the past made the victory of the present flame with cruelty and burn with long smouldering revenge. The excesses which became a part of and were incident to these revolutions warn us that we should remedy evils clearly existing, before they assume a magnitude which law-abiding men cannot control. The wise statesman seeks to so conduct the public affairs confided to his keeping that violations of law and order may not occur; that revolution, civil or by force, shall be alike unnecessary and impossible; and that before the law all men shall be equal; that the rich shall not be made richer by favoritism, and the poor poorer by oppression and wrong; that every man's own shall be his to enjoy; that the future may be hopeful to even the most humble; that the path to glory may be found by every brave, honest and ambitious man regardless of wealth or station. [Applause.]

These are necessary lessons to secure public virtue; for in a republic if you take from the youth the possibility of gratified ambition; if you make the young man know that there is a power within the government greater than the government; if you teach him that success can alone be found through corruption, and that he must sell himself or be sold by some one else before he can attain high public station, you will have sown

the seeds of your country's ruin. It is not so much the men who hold the places that misgovern the country, as it is the men who, being in ambush and irresponsible to the people, govern the officers themselves. It is that class who grow rich upon the favors that the government extends to them, and who perpetuate their power by the wrongful use of the very means they take from the people. They cajole one man and influence another. And by having no principles, they by turn belong to both parties and thus claim to hold the balance of power. Their example is pernicious, ruinous and destructive; their career a shame; and their existence among us a poison that in time may reach the very life of the republic. [Applause.]

Fellow citizens, the direction of this contest is hourly becoming more clearly marked out. The people upon the one side, and the corporations upon the other. The corporations do not favor my election, yet neither the fear of abuse or the tongue of slander shall lead me to change the course I have marked out. [Applause.]

During this canvass no man's character shall be put in jeopardy by me. For myself, I can stand the test of time and the loyalty of truth to vindicate my own. I have not sought this nomination by any but honorable means; nor shall I seek the election unless I can have it without stain and without any other pledge than my own promise, made freely, to the whole people of the State, that if elected I will do my best to serve them faithfully. Then the result either for victory or defeat cannot cause me one regret. I have no friends to favor but the people; no cause to maintain but the cause of right and justice.

To you who have known me so long, I cannot say less. [Prolonged cheers and applause.]

A Protective Tariff imposed on imported articles which can be produced in the United States, secures more work and better wages to American labor.

Address delivered by MORRIS M. ESTEE, on March 31st, 1894, before the Midwinter Fair Congress of Economics and Politics.

The Midwinter Fair Congresses

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Congress of Economics and Politics.

The first session of the Congress of Economics and Politics will be the occasion of the formal opening of the general series of Congresses. The exercises will begin at 8 P. M. of Thursday, March 29, with an address of welcome by James D. Phelan, President of the Executive Committee, followed by an opening address by Prof. Bernard Moses of the University of California. President E. Benj. Andrews of Brown University, Rhode Island, will then speak on "The Monetary affairs of the United States," which will be followed by general discussion. On the evening of March 30th, President Andrews will speak on "England's Relation to the Monetary affairs of India." General discussion by local speakers will follow. On Saturday evening, March 31st, Prof. C. C. Plehn of the University of California will read a paper on "The Organization of Labor in California," and *Hon. M. M. Estee will speak on the question of "A Protective Tariff Imposed on Imported Articles which can be Produced in the United States, Secures More Work and Better Wages to American Labor."* Other speakers will take part in the general discussion that will follow. The second series of meetings of this Congress will be held on the 26th, 27th and 28th of April. Details for this session have not been completed, but among subjects that will receive consideration are: "Economic Changes Due to Improved Facilities of Transportation," "Money and Banking," "Questions Relating to the Economic Development of California," "History of the Controversies on the Questions Now at Issue between Leading Political Parties," "Charities and Corrections," "Industrial Statistics." The committee in charge of this Congress consists of Prof. Bernard Moses (Chairman), Prof. C. C. Plehn, Prof. E. H. Ross, Wm. H. Mills, Horace Davis, Arthur Rodgers, John P. Irish and Prof. A. G. Warner.

ADDRESS.

A Protective Tariff imposed on Imported Articles which can be produced in the United States, secures more work and better wages to American Labor.

Labor creates all that civilized man most needs, and the value of the products of labor is largely controlled by the value of the labor that produces them. Supply and demand, the customs of the country in which the workers live, the necessities of those who work, the markets for and value of the products of labor, all contribute to fix the value of labor itself. This being so, the point is, can we maintain the present price of labor in the United States without enlarging the number and variety of our industries, and thus increase the opportunities for work? Our country is becoming older, our population is increasing, and our territory is not being extended. These facts must soon be considered by the American people. It is undoubtedly true there are fewer pursuits to follow in old and populous countries than in new and more progressive countries. This is so, because in new countries there are fewer people to the same extent of territory, more undeveloped resources, and therefore more for man to do.

In the populous countries of the old world, the laborer works only for an existence, while here he works for and expects to earn a competence, become independent and cease to be a worker for others. There, he has no hope of a change for the better or for increased opportunities to improve his condition. Here he is ambitious, because he knows if he labors faithfully he is certain of success.

From Biblical times until now, the laborer has been "worthy of his hire," and all people agree that labor is honorable and necessary to man's existence; yet in the older civilizations, and especially in the rich and populous centers of Europe, the workers are a separate and distinct class. Socially, the most worthless soldier outranks the best worker. No man, whether he be a common toiler, a skilled mechanic, or a manufacturer (however honorable, wealthy or intelligent he is) can hope in those countries to receive social recognition by the so-called ruling classes, while in America the workers as a political force are the ruling classes. In those old monarchial countries there is a wall built up between the laboring and all other classes of society, which, strangely enough, prevents the producers of the world's wealth from ever meeting as equals the men who produce nothing. Thus, in European countries, the social standing of the man who creates the most is lower than the social standing of the man who exists upon what other people create, and who is a mere drone in the hive.

The peculiar advantages to the workers and producers of our country which our natural resources and our form of government secure to the masses of the American people, give to Americans a manliness and an independence which no other people possess. Here, intelligence and character have a financial, social and political value. And this is so because here the humblest man who walks has a voice in governmental affairs. He is one of the units of the body politic, and a part of the government itself. Lower the standard of that unit and you lower the standard of the government. He is one of the people, and as our government is a government of the people, when you injure or debase the people, the government falls. And so if we want good government we must have independent manhood.

The vastness of our country, its undeveloped resources, the broad field open to aspiring and ambitious youth, and the large variety of pursuits to follow (with the possibility of political preferment always in view), make every American, whatever his calling, ambitious, proud and independent.

Add to this the fact that our free school system has brought enlightment within the reach of all the people, and we can then understand why American laborers will not patiently accept, as do the laborers of foreign nations, starvation prices as a reward for their toil. Our people are a part of the government. They know it, and they demand some of the rewards of the government, namely, governmental protection of what rightfully belongs to the American people. For these reasons, among others: *there is not now, nor will there ever be, an American peasantry;* nor will class distinctions exist in the United States while the people remain free. It is therefore argued that all national legislation fixing protective duties on articles made in foreign countries, and brought here for sale, must have in view the interests of American labor. It should be remembered that under present conditions, the wageworker of to-day may to-morrow be a capitalist, or manufacturer, a social or political leader. And this incentive to advancement is, in a free country, wise and necessary, so that every man who works may be ambitious. At least he should be made secure in the best possible rewards for his labor. If this is done, each citizen is given, not only the power to help himself, but the opportunity to create a better fortune than he has ever before possessed; because, in a free country, business prosperity among the people means the governmental prosperity of all the people. We hear much about paternal governments, and that the goverment is not intended to help the people get on in the world. In the sense that the government cannot directly feed and clothe the people, this is true. But in the broader and higher sense—that the government is of the people, and for the people and is created and maintained for the benefit of our people only, it is and should be paternal. Those who most strongly inveigh against paternal governments are usually men who do not themselves work, and who thus live off of other people's earnings.

The situation of the workers of America differs so widely from that of any other country, that it becomes necessary for the creators of the wealth of the nation to have a fair share

of the products of their creation. And this becomes clear to the thoughtful mind when it is remembered we have a different home life from that of any other people. Americans have more luxuries, more comforts, and infinitely more and greater necessities, than any other people in the world. Having these, they must earn more money to meet the demand which this mode of life imposes upon them, and this mode of life is as necessary to the American people as is the air they breathe. Without it, they could not be either free or independent.

There was never a truer statement than that made in Congress, by Mr. Reed of Maine, when he said the difference in wages in the United States over other countries meant difference in living. We repeat, no other people live so well, as do the Americans, and you cannot change their mode of living without revolution. You cannot put a free, well-to-do and intelligent people into the gutter, unfed and unclothed, without revolution. You cannot give to foreign peoples the labor which rightfully belongs to Americans without imperiling the peace of society and the safety of the State. Nor can you reason with men as to their duty to law, to good order and to the rights of others, when their rights are imperiled; for it is every man's right to honestly earn his bread by his toil, and he must have labor if he earns his bread.

Americans are free because they are able to take care of themselves financially as well as politically. They are capable of self-support and they are therefore capable of self-government. Once take from the American laborer the opportunity for regular employment and good wages, and he will become dependent financially, and be a machine politically. And thus it is all important that the prosperity of the industrial classes shall be permanent and secure. To make it so we must protect American markets, American products and American labor against unfair foreign competition.

The temptation to foreign producers to reach for and control the American markets, and for foreign cheap labor to supplant American dear labor, is great, and it is most diffi-

cult to overcome. And this is so because the resources of the United States are peculiar, varied and illimitable. We are every day developing them, and other and foreign peoples are endeavoring to drive out our own labor in making these developments, and thus the whole world is contesting for the labor prizes of America. Shall we surrender these prizes to them, or retain them for ourselves and for our children? This is the problem of the hour. True, the wonderful resources of our country were here before civilized man was here, and are now being developed only by the might of our civilization, and the sleepless industry of our people. The question then is, shall we put a brake on the wheels of American progress by adding to it a foreign load that we cannot carry, or shall we move on in the lines of *American civilization* by sustaining *American labor* and promoting *American enterprise?*

The prosperity of America was never more conspicuously noted than in the "Fortnightly Review," an English journal, of December, 1893, where it was said:

"America has for many years enjoyed an amazing degree of prosperity. So much so, that to use the words of Edmond Burke, 'generalities which in all other cases are apt to heighten and raise a subject, have here the tendency to sink it. Fiction lags after truth; invention is unfruitful, and imagination cold and barren.' "

It is a fair inquiry to ask what has caused all this prosperity? The answer is labor, continuous and well rewarded labor. For the past thirty years we have maintained a protective policy. That is, we have legislated in favor of the worker. The value of labor under that policy has largely enhanced. The undeniable result has been that wealth never accumulated so fast, our population never increased so rapidly, and during the same time we have paid more of our debts (public and private) than have any other three nations of the civilized world. Look at the map of the Republic and note the change. The great west has been settled, new states have been admitted into the Union, four continental railroads, at a cost of more than two hundred millions of dollars, have been constructed, our educational opportunities have been

multiplied, most of our cities have trebled their population, our commerce with foreign nations has more than quadrupled, and our position among the other great powers of the world has advanced from the second or third class to the first.

It is claimed that much of this great prosperity is attributable to the variety, abundance and cheapness of our raw materials. How can this be so? Our raw material has always been here. It is the conditions which recently surround us which have made us rich. Continue those conditions and our people will continue to prosper. There is no raw material which does not require labor to prepare it for man's use. Labor produces and fashions all materials, raw or manufactured; and in the fullest sense, labor alone creates. Raw and unfashioned material is but a small part of the value of products. In fact, if we go through the whole field of production, if we take every known manufactured article and combine them together, we find that fully 85 per cent. of their cost is in the labor bestowed upon their manufacture, or production, and with most articles in common use, at least 90 per cent. is in labor and not more than 10 per cent. of the value in raw material.

No one can fail to note the effect on the prosperity of a country where all the people are employed at good wages. If this be true, and it is open to demonstration, then the whole scheme of protection to American products is *one of work and wages for American labor.* The whole question of good or bad times depends on work and wages. Money is always organized and can take care of itself, because it can hide from impending disaster. Labor, though often organized, cannot hide. It is a fact that the making of money and its wise and successful use in business affairs depends on how successfully labor can be employed by the use of money; and this is true because *it is the vast number of small incomes, and not the few large incomes, that make a nation rich and powerful.*

Steady and remunerative employment secures peace and good order to society, and property is thus made safe. No free people will long be peaceful where the masses of the people

are dissatisfied with their lot. It is true some people are always in a state of discontent, but the masses are satisfied when they are employed at fair wages. The home life of the people is thus made happier; there are fewer criminals and less crime; there are fewer beggars, and less penury and want. It should, therefore, be the settled policy of the nation, so far as protective laws can accomplish that purpose, to secure to the American people steady work and good wages.

The prosperity of our people under the protective policy of our country is apparent, when it is observed that the number of persons employed in the manufacturing industries of the United States increased from 2,732,595 in 1880 to 4,711,832 in 1890, and the amount of wages paid increased from $1,334,869,470 in 1880 to $2,282,823,265 in 1890. These statistics tell their own story.

In an article from Mr. Cramp, published in the April number of the *North American Review*, it is stated that ninety-five per cent. of the total cost of a ship is in labor. That England is the greatest ship building country in the world, that she is jealous of America's push in that direction, and that she is now making great efforts before the present Congress to have ships put upon the free list, so that she can build our ships for us. It will be noted also that from 1792 until now foreign built vessels have not been allowed American register. That this step on the part of our national legislators, if taken, will be of great injury to the laboring people of our country; will deprive us of one of the most splendid industries of the time; will be unpatriotic and un-American. In a word, it would take from our people just so much work and give that work to English laborers.

The following statistical statement, presented in that article and taken from the leading ship building yards of England and America, shows the present price of labor in the ship building trades of both countries:

TRADE.	BRITISH. Rate of weekly wages.	AMERICAN. Rate of weekly wages.
Patternmakers	$9 00	$18 00
Machinists	8 50	15 00
Riveters	7 50	12 00
Calkers and Chippers	7 80	15 00
Beam and angle-smiths	8 40	15 00
Holders-on	4 20	9 00
Fitters-up	7 80	15 00
Ship carpenters	9 60	18 00
Joiners	9 00	16 50
Painters	9 60	18 00
Ship shed machine men	7 20	15 00
Furnace men	6 00	10 80
Riggers	7 20	11 00
Plumbers	9 60	19 50
Drillers	6 40	11 00
Sheetiron workers	8 50	15 00
Coppersmiths	8 60	18 00
Molders, iron	9 00	14 50
Molders, brass	9 00	15 00
Laborers	4 20	8 00 to $9.

Says the author:

"The comparison tells its own story. Brushing aside sophistry and cant, we have in front of us a plain proposition, the logic of which no man can evade."

We submit it is not all a sentiment that ships which carry the American flag should be built by American labor. Primarily they may cost more when built in America and by American labor, but in the end they will cost less, because if we build our own ships in time of peace, we will be independent of foreign powers in time of war. And again, we will furnish our own people with labor, utilize our own material, encourage our own enterprises, dignify labor and exalt patriotism, and above all, we will keep abreast of the best inventive thought of our time; we will know how to do well what we do; and we will make the best ships that float, and thus maintain the honor and glory of our country on the sea.

The vice of the position taken by the free traders of our country rests largely in the fact that they endeavor to divide the American people into two classes, namely, those who consume and those who produce. And what is anomalous, they are more anxious to care for the consumer who does not work, than for the consumer who does work. They forget, or seem to do so, that all worthy citizens are both consumers and producers; and while some produce one thing and some another, and some consume one thing and some another, yet all are consumers and nearly all are producers. And it is another undeniable fact that if you pay a man well for what *he* produces, he consumes more of what *others* produce, and the people generally prosper.

It is therefore the part of wise statesmanship to see to it that those who produce the most of the wealth of the country should be sustained by the laws of their country. This government is not maintained for the benefit of foreign peoples, nor do foreign peoples contribute to our national greatness; nor should we encourage the immigration of foreign cheap laborers, because they supplant our own people in our own industrial market; nor should we encourage the importation of what such cheap laborers produce at their homes in foreign countries, when such productions compete with our own. This is an American government, established by and maintained for Americans. We are isolated from the rest of the world, and we are therefore largely dependent on ourselves. It behooves us, therefore, to secure to the workers of this republic regular employment and good wages, before we invite others to take their place or reap their rightful rewards. Remember our public lands are well nigh exhausted; there is no new West to settle up; there are no distant and uncivilized countries for Americans to migrate to. We have reached the western shore of the continent. Beyond is the sea. New, and to some extent alarming, conditions confront us. The restless spirits of our country and the more restless spirits of foreign countries now among us, must soon turn back on their track; other fields for labor must be open to them, or more ample opportunities for work

created in the old fields. And so it should be the settled unchangeable policy of this nation to encourage new and sustain old American enterprises, and because the more numerous and varied our industries the more there will be to do.

Note the effect of regular employment upon the wealth of the nation. Statistics show there are from 19,000,000 to 20,000,000 of laboring people in this country, men and women; that each worker supports two people besides himself, and his average earnings are about a dollar and a half a day, making $28,500,000 a day if all are at work. But if only three fourths are working, this must be cut down one fourth, or say $7,125,000 a day. Hard times are then inevitable. Let 25 per cent. of the laboring people be out of employment, or (being employed) lower their wages 25 per cent. and it makes a daily difference of $7,125,000 or $185,250,000 a month, or $2,230,125,000 a year. That makes just the difference between hard times and good times. Over 25 per cent. of the American people are now out of remunerative employment. *Why are they out of employment? Tariff tinkering and the threat to change our protective laws has done much of this.* And it has done this, because it has frightened capital from investment, curtailed manufacturing by shutting down our mills, and thus lowered the price of labor and of the products of labor, and thereby decreased the amount of labor performed as well as its value. Confidence is thus destroyed because prices are unsettled.

But some say, why does not the government issue more money—that will remedy the evil.

The making of more money by the government will not of itself remedy these conditions. Money when issued cannot be given away. *The people must have something to do* that they may earn this money. And again, unless the government issues *the right kind of money* and uses it for the right purposes, it will never reach the people. It is the free circulation of money honestly earned by the people, that makes them prosperous, whatever the kind of money. If our money should be confined to gold (which poor

people rarely see and which never pays for a loaf of bread or a laborer's shirt), then we would have dear money because we would have less money and scarce money, fewer enterprises would be established and a less demand for labor inevitable. Then the man who owed debts previously contracted would be compelled to pay them in a kind of money which had a greater purchasing power than that which he borrowed. It would result in fewer investments, less work and less pay for work. But aside from that, it is dishonest. Indeed, the man who buys a bushel of wheat to be delivered six months thereafter weighing 60 pounds, and at the end of six months insists upon being paid in a bushel of wheat weighing 70 pounds, is no worse than the man who loans money this year (when gold and silver are money) and in the meantime demonetizes silver (which constitutes one-third of our money), thus largely increasing the purchasing power of gold, and then demands payment in gold only.

But withal, it is the circulation of money which makes good times, and money will not circulate when there is a want of confidence any change in the revenue laws of our country or in its monetary system causes a want of confidence, because, as stated, values are affected thereby. At this time money has been frightened from investment by the oft-repeated threats of a change in both our monetary and in our tariff laws. In fact our government has recently informed the world that a protective tariff was a fraud, was unconstitutional, and should not be maintained in America. An election was had and the American people sustained that fallacious and destructive doctrine. The whole of America knows the result. No new industries are now being established; old ones are either shut down or run on half time; wages are lowered; the working people are unemployed; and hard times have resulted. We had good times under former conditions. We have bad times now. Which condition is most likely to be right?

All true lovers of our country must believe that, in view of the recent industrial depression, the protection of American labor should be a national rather than a party policy.

Then the success or the defeat of a party would not, in any great degree, affect the industrial prosperity of our country. It is true, political parties are agencies for good, and they exist only in free countries, but there are some few questions, political in their character, of such paramount importance, that they become nationalized. The labor question is one of them. The internal policy of our country, which so largely affects our industrial success, ought to be freed from the frequent changes which the possible changes in administration might inflict upon our country.

The argument that only a part of the laboring people are benefited by a protective tariff, because only a part of all the laboring men of our country work in protected industrial lines, is no answer to our contention. Almost all competitive articles of American production have been more or less protected in the past; and you cannot furnish labor to a part of the people, who otherwise would not have remunerative employment, without benefiting all of them. Take a community where there is one successful enterprise, and the whole community will be benefited. If a few men earn good wages, the infection reaches every wage-worker, and prosperity prevails. Nor can you find an instance where the most of the people make more money than they expend, but what the whole community is benefited. Trouble comes when a large majority of the people earn less than they require for their daily needs.

It is axiomatic that a part of the money paid to one's neighbor for what he produces, and which you must buy, comes back to you ; but that money paid to foreign producers goes out of the country and never returns. It is equally axiomatic that people cannot consume what is produced by others, unless they are able to pay for it. And they cannot pay for it unless *their* labor is also rewarded: That is, they must find a market for what they produce,

The inquiry may be justly made: Why should not American markets belong to us as much as do our laws, or our civilization ? There can be no question but what free trade in the products of labor means *free trade in labor it-*

self. And free trade in labor means *a uniform price of labor everywhere.* In a word, with free trade, we will sooner or later have in the United States, substantially the same price for labor as exists in Europe, in China, and in India. This will be inevitable because the products of labor will have the same price, and so our progress will be stopped, for our people will become poor, our freedom will be lost as the freedom of our other peoples has been lost before us, and our civilization will be turned down in the world's history, because when a people are not protected by the laws of their own country. nothing is left to them but retrogression.

A half starving man never has been, never can be, and never will be, a free man. Independence and manhood come with his ability to care for himself. Once make him dependent and he is servile. Make him financially independent, and though he has but one dollar, he will be free. Our form of government differs so widely from that of the old monarchies of the world, that we *must have* a different civilization. Our people must be self-sustaining to be self-governing, *and when they cease to sustain themselves independently, they will cease to govern themselves wisely.*

The great danger to a Republic is when for some overshadowing reason, honest and peaceful men violate the law and disturb the peace of society. Criminals are expected to do this; honest men and good citizens but rarely, and then only when they are led to believe the injuries they do are not as great as the wrongs they suffer. Let us convince the world that American citizens shall suffer no wrongs which just American laws will not remedy.

It appears that, from 1853 to 1893, 5,149,890 British immigrants came to the United States. Most of these were able-bodied workers. They left the home of free trade, "where wealth accumulates and men decay," and came to this land of freedom and protection. Why did they come here if free trade benefited the laboring man, for they left a free trade country?

It also appears that in a population of 37,879,285 people in Great Britain, nearly one million were paupers, or to be

exact, 945,686; while in the United States, with a population of nearly 65,000,000 in 1890, there were but 66,578 white paupers and 6,467 colored paupers. To-day there are a million of our people in want.

In view of these facts, is it not wise statesmanship to make such laws that the deserving poor can care for themselves? Give men fair wages, widen the field of employment, enlarge our market at home, by protecting it against unjust foreign competition, pay the worker good wages and we will never have a large number of poor people. No man wants to be poor, and no man, or very few, want to be idle. If the field of employment is always open to those who are anxious to help themselves, there will be few indeed whom the community will have to help.

Diversified industries are a necessity to the American people.

Without this condition, there can be no prosperity. We must make many things and make them well. The history of civilization shows that the freer and more enlightened a people, the more varied and abundant their productions. The more we make at home, the less we will need to buy abroad, and thus we will give our own labor a better opportunity for work, retain our money here, encourage enterprise, inspire invention, be more independent in time of peace, and more self-sustaining in time of war.

For instance: If by leaving our tin industry unprotected against the importation of foreign made tin, 50,000 laborers are compelled to seek other employments, we overstock the labor market in other lines, and we (the consumers), by paying our money to foreign labor, send it out of the country, and at the same time have one less American industry and do away with American competition, which competition is necessary to keep prices down. It is admitted that Americans are greater consumers than any other people, and that the American market is the best market in the world and the most in demand by foreigners. It is the best market because labor is better paid here than anywhere else, and therefore the masses of the people have more money to spend and spend more money than do any other people.

When you open our ports for the free entry of the products of cheap, foreign labor, then you, in effect, open our ports for cheap labor itself, and the price of our labor must come down to the price of foreign cheap labor. What is the difference whether Chinamen make shoes, common clothing, or cigars on Sacramento street, in San Francisco, or in Hong Kong, if no protective duties are imposed on what they produce abroad? In the one instance this foreign labor competes with American labor as much as in the other. This is the logic of truth against which there can be no successful denial.

It is the contention of the consumers who do not work, and of the importers who rely upon their trade with foreign countries as a business, and of a limited class of American employers of labor, that cheap labor is necessary to American progress; that because labor is cheap in other countries it should be equally so here; that if labor is cheap in the United States the products of labor will be cheap; that hence, we can buy for half a dollar as much as we can now purchase for a dollar; that the whole scheme equalizes itself and the laborer is not injured thereby, for the reason that he can purchase more of what he consumes for the same amount of money, and that the consumer who does not work is greatly benefited because he gets what he buys cheaper.

This position is not true. On the contrary, the best experience of the civilized world is that where labor is cheap and where of necessity the products of labor are cheap, the opportunities for the laborer to get regular employment are not as great as in countries where labor receives better compensation; and that good wages paid to labor put more money in circulation and makes good times for the people. Take England, Germany, Russia, Italy, France and Spain. While the price of labor in those six countries differs considerably, yet in all of them, as compared with the United States, labor is cheap. And while it is true that they can buy clothing, as a rule, cheaper there than here, yet in every one of those countries the main expenditure, namely, food, is much dearer than in the United States, for the reason

that there the population is more dense, the land is more valuable, and as land becomes more valuable the products of the land command a better price in the market. This being true, the laborers expend their whole income for food; their life is a hopeless struggle for existence.

Labor is better paid in France than in Belgium, Germany, Italy or Spain and contiguous countries. France is a freer country than either. France opposes the introduction of foreign labor and strives to keep it out. On the 17th of August, 1893, many Italians having gone to the south of France to work, the French laborers there rose *en masse* to drive them away, and ten Italian and five French laborers were killed. This action was barbarous and must be condemned by all right thinking people; but the lesson is an instructive one. Mr. Chas. H. Whiley, Jr., U. S. Consul at St. Etienne, France (see Consular Report of February, 1894), referring to this occurrence, said:

"The law of supply and demand has given to French workingmen a remuneration much exceeding that which is paid in similar employments in Belgium, Germany, Italy and Spain."

Such are among the causes of the present price of labor in the United States. It is in part a question of supply and demand, and there will be no demand for labor if we allow wealthy American consumers to buy abroad what should be made here. American labor is dear now; foreign labor is cheap; but the moment you give the foreign products of cheap labor an even chance in an American market with the American product of dear labor, the result is inevitable; the prices of labor and products must then both come down.

Trusts and combines are charged to protective laws, and yet it is said to be a fact that eighty-one per cent. of all American manufacturers are men who learned their trade and were journeymen in the very business afterwards carried on by them as manufacturers; that they commenced manufacturing after they had saved enough to do so by working at their trade; that they sprang from and belong to the ranks of toil. For these, among other reasons, there is no fear of injury to

the people in America by American trusts or combines in manufacturing enterprises, or by organized capital in those pursuits, because they are under the control of American law, and restrained by American public opinion. What we do fear, is the effect of foreign trusts and combines in the manufacture and sale in American markets of what America does not produce but which, if protected, we can as well produce. These trusts and combines are beyond our reach; they would thus regulate the price of manufactured products in American markets; and when we buy their products we take money out of our own country and pay it to people who have no interest in American progress, who pay no taxes here, who bear none of the burdens of our free, but necessarily expensive government, and who maintain at their home, trusts and combines which are beyond the reach of American law or American public opinion.

It is submitted, the combination of foreign capital is infinitely more dangerous to American consumers than is American capital. For instance, note the present position of some of the foreign monopolies of which we hear nothing. Mr. Frank Mason, our Consul to Frankfort, reports in the February number of the "Consular Reports" of date January 12th, 1894 (page 353), that the Frankfort manufactories of aniline dyes, for 1893, paid dividends of 26 per cent. per annum, and yet labor is cheap there. If any protected factory in our own country paid such dividends, we would never hear of anything else until that article was placed on the free list.

So also, speaking of the German sugar mills, the same authority says:

"From a long official list of declared dividends, it appears that they range from seven to thirty per cent. per annum of the invested capital, and in some cases, even the latter figure is surpassed."

And again it appears in Kuhlan's German Trade Review, that—

"The sugar factory at Nordtermann, with a capital of 525,000 marks, showed a net profit (for 1893) of 211,151

marks, and the factory at Nordheim with 1,050,000 marks capital, net, earned for 1893, 403,588 marks," being about forty per cent. per annum profit.

It will thus be observed we make nothing by opening wider the channels of American trade with foreign countries, if done with the hope of punishing trusts and organized capital at home. We thereby only furnish work for foreign labor and investments for foreign capital, and both are done at our own expense.

I do not believe protection to American industries will alone accomplish all things, but it will do much. One thing is certain—whatever national policy will keep the largest number of the American people at work for fair wages, that policy is the best policy. That the more we produce at home, the less we buy from abroad; the more work there will be to do here. That American labor, like American markets, should be made secure to the American people. That the labor market, like all other markets, is always supplied and anticipated a year in advance. No manufacturer makes goods or employs labor at haphazard. He first figures on the cost to him of the manufactured article, and then looks for a place where he can sell this product at a profit. And if, from the uncertainty of legislation in relation to an imported article, competing with him, or of financial stress in the home or foreign markets, he cannot sell his goods at a profit, he ceases to manufacture them, and the laborer is thus left without employment. And when for these, or any other reasons, one factory is closed, others follow in line, and what at first is only sporadic action, soon becomes general. Labor cannot find employment, hard times intervene, and the matter thus ends in a permanent injury to the man who works for his bread.

As an instance of what effect the labor question has on the finances of a country, we need but refer to the savings banks of the State of New York for 1893. The amount of money withdrawn from those banks for that year, in excess of the deposits, was $34,518.091; while for the year 1892, the deposits were $24,000,000 more, and the withdrawals

$27,000,000 less, making $51,000,000 difference in two years. And this was largely wage-earner's money.

There can be no answer to these facts except that it is a period of hard times. But what causes hard times except the want of remunerative employment? Set every man at work, start up every machine, fire up every furnace, plow every acre of land, and confidence will take the place of distrust and unrest; every bank will open its doors, property will enhance in value, beautiful and comfortable homes will be constructed, new towns will be built, and old ones will increase in population and wealth; the poor will live in comfort and the rich will contribute from their abundance to the general prosperity of all.

In conclusion, we need but say, our first duty is to ourselves, to our own people, to our own country. The masses of the Americans are workers; by their industry they have extended our civilization westward to the Pacific Ocean. Along this great pathway they have built cities and connected them by highways of steel; they have opened up new channels of commerce by land and sea. By their inventive genius and untiring energy, they have sent new thought on electric wings to the remotest parts of the world. By their splendid industrial achievements they have accumulated more wealth, done more good to themselves and to their fellowman everywhere, than have any other like number of people on the habitable globe. And thus, through the arts of peace they have made our country great, while in war, they have defended its honor.

ADDRESS

OF

P. G. R. MORRIS M. ESTEE

DELIVERED TO THE

ODD-FELLOWS

AT

VACAVILLE AND VICINITY,

APRIL 26, 1884.

ADDRESS

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APRIL 26, 1884.

San Francisco:
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ADDRESS.

NOBLE, GRAND BROTHERS AND FELLOW CITIZENS:—The real greatness of a free people is found more in its moral than in its physical power—both these forces are necessary to maintain a national existence, but the moral and intellectual power of a nation do not die with it—these belong to mankind. The people composing a nation may pass away forever, and its national existence thus end; its great cities may fall into decay; its most splendid specimens of art may be broken in fragments and its monuments may be leveled to the earth; but its moral worth, its great ideas, its literature will live forever. These can never die. Nor can a free nation perpetuate its existence unless these moral forces are united; and they cannot be united if one class of people possesses privileges which another class does not.

When the luxury of wealth builds up an aristocracy devoted to its gratification, and when the misfortunes of poverty create a class of laboring poor, with no hope of rising above their present position, then we may truly feel that our country is in danger. For, in all the past nothing has been so dangerous to free governments as the influence of favored or privileged

classes. It was this influence, more than any other, that destroyed Athens and made Rome an Empire, and at last brought ruin and destruction to that marvelous nation.

These lessons left their impress most deeply upon the minds of our forefathers, and when the Declaration of Independence was written it was declared as a fundamental principle that all men were born free and equal; and by that declaration our forefathers endeavored to implant in the minds of the people of the American Colonies that idea more profoundly than any other. But it must be remembered that our population was then small, our wealth limited and our commerce nothing. What then could be done easily, now is difficult indeed. The splendor of our future was not even dreamed of by the founders of this Republic. Steamships, railroads and telegraphs had not been invented. There were only three millions of people in the whole of the American Colonies, and these hovering along the Atlantic shore. Then, too, the luxury of wealth was not known nor experienced even by those who possessed wealth, and poverty was not realized even by those who were poor. No one was crowded, for there was room for all men—a boundless continent lay before them. The theory that the nation was an organization of free men, and that each man was a unit, was admitted in practice.

There were no fractions of men then—where a dollar represented one part of himself and manhood another, nor did one man, owing to any special privilege he might possess by reason of wealth or station, fill a space in the community which ought to have been filled by a great many men. It was part of the phylosophy of our fathers, that as two human bodies were not necessary to contain one immortal soul, and as it did not take two men to carry one musket, so one man was a unit in the affairs of the government, and that the laws should be so framed that all individuals were upon an absolute equality. When this was done both in theory and in practice, the moral forces of the nation necessarily became united for the single purpose of mutual benefit. True, strifes and discords might exist between men; varied interests might conflict one with another, but there could be no strifes between classes of individuals, because neither the law nor society admitted that there were privileged classes. Indeed nothing can illustrate more forcibly, than does the early history of our Republic, the fact that the power of a nation is not found alone in the number of its people, but in its unity, its moral and intellectual forces. While it is a most difficult task to make intelligent men think alike on any one subject, for the interests of each individual are necessarily different, yet, while the rights of the people are the

same, and while the rich and the poor, the learned and the ignorant can maintain those rights equally before the law, in every form in which government may be shaped, no peril can arise by reason of either the superior intelligence or the greater wealth of one man above another.

It is said that wealth is the conservatism of republics, and to attain it is the highest evidence of civilization. Both these statements may be true; and yet when wealth is used for the purpose of either controling or corrupting the source of good government, the people, it becomes the great danger of republics. For wealth is always organized and it is always powerful, while poverty is always disorganized and is necessarily weak.

It was known to the founders of the republic that to make this new governmental experiment a success, there must be some place where every citizen would meet on an even plane, where the only test was that of citizenship. Universal suffrage, it was believed, fixed that place at the polls. But it was soon observed that much of the moral forces of the people was dissipated amid an unreasoning political contest and the cunning devices of unworthy men. And it was observed also that money did have its influence when improperly directed at the polls, and that unorganized poverty was incapable of asserting its power in the

presence of such influences. And hence *that* equality which our forefathers had anticipated should exist among the citizens of the republic, was thus denied to a large portion of the people. For the moral forces of a people can be united only when absolute justice is secured to all men—not that justice which must be fought for, but *that* justice that is secured only by equal laws and their fair and just enforcement.

Therefore the church, it was next claimed, was the proper means of accomplishing the ends sought for; namely, the creating a free and common platform upon which all men could meet as equals. It did accomplish much toward this end, but it did not and could not reach the very men who most required its discipline. And there was such a number of sects and creeds, such a variety of opinions upon small questions, that however beneficial the church was in a religious view, and however necessary to the good order and well being of society, yet a vast number of the really good men of the community were left out of this great organization of the moral forces of the people.

It then became a question of serious inquiry if there was not some platform upon which all good men would stand, where creed was not recognized and where wealth had not secured all the front seats, and where poverty did not occupy all the back seats, and where a friendship that was as broad as humanity, and love

that was universal, and truth that could never die, alone presided. It was this idea doubtless, more than any other, which led to the formation of the Order of Odd-Fellowship.

And therefore, on the 26th of April, 1819, five very plain, common men organized the Order of Odd Fellowship in America. Neither of those men were statesmen or philosophers; neither of them were especially cultivated or gifted in any of the varied pursuits of business life. Indeed they were incapable of inventing anything new. They only blazed the trees that marked the pathway for those who were to come after them. They however organized this great Order at the right time, and with the right principles; and the people being prepared for the organization of such an institution, flocked to its ranks. They saw a society where there were no distinctions among its members, no scramble for place, no rush for power. In truth the founders of the Order of Odd Fellowship "builded better than they knew." They had not the slightest idea of the magnificent structure that would be erected on the foundations they laid. They opened only one of the avenues to the human heart, and the people flocked to participate in the blessings which this new society seemed to guarantee to them.

Affliction is said to be a bond of sympathy to all men. It is this feeling more than any other that rises

above pride and station, and makes men fraternal who might otherwise live and die strangers. Under the system of Odd Fellowship, established by its founders and since perfected by their successors, each lodge has become a miniature republic, where neither party principle nor religious creeds are taught or thought of, and where equality does exist. For a long while the establishment of this order was believed to be but the fanatical ebulition of some crazy-brained people in Baltimore; and it was unpopular because it was new, weak and humble. Although it was admitted that its precepts were pure, and its principles were noble, and all its aims patriotic, yet for many years the members of our Order hid themselves in their lodge rooms, and appeared only in public when compelled to care for the sick, bury the dead, or support the widow and orphan. But it has grown in less than three-quarters of a century to most enormous proportions. In 1882, there were 7,514 subordinate lodges of Odd Fellows in the United States, and there were 493,997 members in good standing. In the same year the order expended $1,704,290 for relief of persons in distress alone; and the total revenue to the lodges of Odd Fellows in the United States for the year 1882 was $5,245,946. In the jurisdiction of California alone, last year, the relief to persons in distress paid by the order of Odd Fellows was $183,181, and the total number of members was

22,738, and the total number of lodges was 291, so that each member actually paid over $8 for the sick during that year.

It is true that it is charged the Order of Odd Fellows is an insurance institution. In many respects this is so. We do insure our members against want, and protect each other so far as it is possible against the influences of vice. We do not always succeed, but we have always tried to succeed. One thing is certain, that it must be admitted that the influence of Odd Fellowship never made a man bad. While it is a human organization, and while it does not always make bad men good, yet all its teachings are moral, and all its acts are ennobling. Sometimes bad men get into the Order. This cannot be helped. But when in, they have to do good, and obey the laws of the Order, or they are soon weeded out.

I know of nothing more beautiful within the range of human association than to hear the inquiry which is always made at the regular meeting of the lodge: "Is a brother sick or in distress?" And while this inquiry, by being made so frequently may often be mechanical, it always brings forth a response from some brother in the lodge room, if one is sick and in distress, and his sickness or distress is immediately alleviated in so far as it can be done. This is the crowning glory of the Order, and this, more than anything else unifies it. And thus this great Order gains

day by day great moral forces which it controls almost without knowing it. These forces are bonds of union among the members of the Order. This bond of union follows them in every relation of life They are united by examples in well doing, and this cannot fail to be of infinite service to the nation, because in free countries the people must be right, or the government will be wrong. In our country the people is the government. The fact is that sometimes we have heard persons speak of the people in contemptuous terms, as though there was a power in the nation independent of the people. Why, the people are the State, and from the common people has come all of our national fame that memory will cherish or history perpetuate. The most illustrious men of the past have sprung from the humblest walks of life. The homeless and friendless boy that drags his weary footsteps to school, alone in all the great world about him, may become the first man in the nation. But his purposes must be as pure as his soul is aspiring. Such boys make the men who represent the moral forces of the nation. A man to become truly great must experience the leveling influences of adversity. The man who commands must first learn to obey. There is no royal road to fame. It belongs alone to those who

Are patient of toil,
Serene amid alarms,
Inflexible in faith,
Invincible in arms.

Odd Fellowship has a mission to perform, and that is to aid in organizing the great moral forces of the people. By this it serves the cause of freedom, for it is a balance wheel to the greed of wealth—the lust for power. It makes the humble and weak brave and self-poised, and unifies all that is great and good in his character, for whatever benefits individual man benefits the country. Goodness and greatness in this civilized age must always go together, wrong can only be maintained by force or deception—for a time it may prevail, but in the end it must surely fail. A good Odd-Fellow makes a good citizen, and good citizens will purify, ennoble and perpetuate our country.

In a free country you cannot sever the character of the citizen from the government. As you purify the one you exalt the other. The allurements of corporate power, the display of ill-gotten wealth, the scramble for office, for a moment may attract and dazzle like the flash of a meteor, but like a meteor it passes away, leaving nothing but a trackless way behind it.

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ADDRESS

OF

Hon. Morris M. Estee

ON

THE PROBLEMS OF FREE GOVERNMENT IN THE UNITED STATES.

San Francisco

Jan. 24, 1900

The Problems of Free Government in the United States

Two men stand most prominent in American history — Washington and Lincoln. One gained our liberty, the other perpetuated it; both were born leaders. It is a benediction for any man to belong to the same great country in which these two illustrious characters lived.

Mr. Lincoln came from the ranks of the people. Born in poverty, possessing none of the advantages of wealth or education, he achieved greatness. He was uneducated in the schools, and yet he was learned in the law and most accomplished in statecraft. His early associates were all plain people, none of whom could impress upon his mind anything but the gentler and nobler emotions of the heart and a pure and lofty patriotism.

He had been little in public life when called to the presidency; he died the grandest specimen of American manhood that this country has produced, and the greatest leader among the statesmen of all lands. His knowledge of men, his varied learning—acquired only from experience—added to his inborn love of liberty, and his attachment to the American Union, justly made him the greatest American; and while in life he wore a crown of thorns, in death a halo of glory rested upon his brow.

No living man can truly describe him as he was. I venture to close on this subject by quoting from Mr. Lincoln's ever-to-be-remembered words delivered on the field of Gettysburg:—

"Our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are testing whether this nation, or any nation so conceived

and so dedicated, can long endure. . . . And here we resolve that this nation under God shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth."

National Territorial Expansion

As Mr. Lincoln told us, the fundamental principle of our Government is the political equality of all citizens. We know that under our Constitution the people are the sovereigns; that each citizen is a unit in public affairs, and that anything that deprives the citizen of equal rights is dangerous to the Republic. Intelligence and virtue are the rocks upon which this nation must stand, and the result of this liberal government is that nowhere on the habitable globe are there 75,000,000 people so well fed and clothed, so well housed, so well educated, and so well qualified to take care of themselves; no people are so happy, and none anywhere enjoy the same freedom of religious and political action as do the Americans. The single problem now is to perpetuate these blessings.

We are a young, ambitious, and progressive nation; our growth and our national existence mean improvement and prosperity to the people. Mankind has been so much benefited by the American Government, and the people have everywhere profited so much by our national prosperity, and this country has become the home of so many of the oppressed of all lands that we are led to believe that *what is will continue to be, and that the safety of the past means security for the future.*

The freedom we enjoy inspires our people to be self-reliant and progressive. We are proud of our country,—our population now covers a continent; our cities are rich and populous, and the broad reach of our national influence inspires territorial expansion,—not of imperialism—for there are no American imperialists,—but rather an expansion of American principles of civilization and of government.

American expansion means the advance of our civilization wherever the flag waves. We are a great commercial people, and we must assume all the responsibilities of a great people if we would fill the space allotted to us in the family of nations. We can not isolate ourselves from the rest of mankind. There can be no Chinese wall built

around America. We are a world power, with a world power's responsibility. It was once claimed that Bismarck in one of his jocular moods, said: "That God took care of children, fools, and the United States." Be that as it may, many of our citizens have not grown as fast as has our country, and notwithstanding God's care of us, they do not appreciate this country's greatness, and honestly deplore its growth and prosperity. Such persons believe that territorial expansion will bring ruin to this nation; that we now have too much territory and too many people.

They forget that our increasing population makes territorial expansion a necessity; that our liberal government is responsible for our large population; and that homes are required for our people as they multiply in numbers. They forget that a free man must have a place to live in which is his own; he must have an interest in the soil of his country, if he would be a part of that country; that if the time ever comes when our population so increases that we will not have enough territory to make prosperous homes for all Americans, then the price of labor will be lowered, as it has been lowered in the populous countries of Europe and Asia.

Americans are builders of new civilizations, we are not the imitators of the old. We want more land, and we know how to use it and how to govern it well when we get it; we want American ports in every sea—stopping-places on the highways of commerce; we want the world to see more of the American flag, and more of the men behind that flag.

We produce more articles to sell than any other people, and we must find a market for this surplus. In finding this market we are brought in close contact with all other nations. In any event our very greatness, added to our liberal form of government, makes us a conspicuous mark for other great nations to shoot at—it makes war always possible—and so we want coaling stations on every sea, and in case of war, we want American ports away from this continent, or we can not have foreign commerce or defend it. We never will have a large standing army; the army can be made in the future as in the past, as the necessity occurs. But we must have a navy, we must display our flag and show our ability to defend it away from home, and we must have ports of refuge everywhere.

It is passing strange, but it is true, that some Americans are learning for the first time that the United States

is a part of this world, and that the world is fast finding this out. It is a fact that all populous nations are seeking more territory. There is not a civilized, progressive people on the earth which does not favor territorial expansion. China is the only anti-expansion country, and that country is dropping to pieces. Look at France, England, Russia, and Germany; they are each seeking more territory as their population increases.

But, unlike those countries, Americans have been guilty of no acts of spoliation. Wherever we go, all that is enduring in American manhood and inspiring in American patriotism goes with us. Our people are the disciples of freedom; we are teachers of men. Look at Cuba; we keep our word with them by giving them a chance to show that they deserve freedom. We ennoble humanity by our touch, and benefit the people we govern; we are faithful to the principles of equality and personal liberty; we stand for what is best and noblest among men.

This Republic is right in its efforts to grow. The people are right in their desire for better markets and broader fields for such markets. American territorial expansion is right as a national principle.

They may tell us we are trying to enslave the Filipinos by planting American institutions in those islands, but no one believes them, except the deluded men who are fighting us. The American people will never enslave any one. Do you believe that this nation, which risked its existence to free four million of slaves at home, will knowingly wrong or enslave any people abroad?

In all matters of government, would you not rather trust free Americans than any other people? Can you find any people as faithful to the rights of man as are the Americans? Every instinct of the American heart revolts at oppression. In every contest for freedom the world appeals to us. Expansion with us does not mean *imperialism*, *subjugation*, *or conquest*, it means rather the promotion and advancement of American ideas and American civilization; it means more room for our overflowing American population and more opportunities for the investment of American capital, and greater freedom for all men who come within the range of our civilizing influence; it means the extension of American commerce; it means better opportunities to work and better prices for labor. Without territorial expansion there would be no national growth. Territorial expansion is not one of the dangers now confronting this Republic.

From the first hour of our constitutional history until now, both the Executive and the Congress have wisely disposed of all territorial acquisitions obtained by us and secured good government therein. They have done this as the representatives of the people. The people must rule in this, as in other matters; and the American people will never willingly abandon one foot of soil anywhere which has been won by American soldiers, or which is necessary to fulfil the manifest destiny of this great Republic. The American flag will never be willingly lowered in the presence of an enemy, or trailed in the dust to gratify those so-called Americans who are afraid of American progress.

Corporation Trusts and Monopolies

The real danger to our country is the placing of dollars above men; it is the inordinate desire to make money by political action; it is the blending of money making and politics so that they are dependent on each other. This is a dangerous growth, peculiar to this age and to our prosperity.

The ambition to make money has in recent years inspired an inordinate desire among Americans to mass wealth by all known means and has caused the creation of trusts and monopolies. *Trusts are combinations of capital organized to destroy competition, fix prices, and control trade; and all trusts are monopolies.* As all trusts were against law, they went into politics to make the laws fit the trusts. So trusts entered the field of politics and of business at the same time, and this endangered the government by placing money above manhood. This is the peril now confronting us, and this will be remedied when the people understand what this danger is.

Americans are a plain people. We do not believe in "ruling classes;" we need *no financial or political bosses.* A boss of any sort is a blow at self-government. There is a wise public opinion which opposes all bossism and which opposes an aristocracy of money or of birth. Class distinctions between the rich and the poor or between the strong and the weak are not founded in reason and can not stand. The law recognizes no distinctions among men. With intelligent people, good men

must rise to the top. Money is useful, but money is not born nor has money a soul, and so men and not money should rule in this Republic.

It was a proud day for America when William Waldorf Astor, one of our millionaires, abandoned his own country, where he and his ancestors made their vast fortunes, and went to England to live, because it was more aristocratic to be rich there than here. *He forgot that citizens of free countries who are not satisfied with their own country are not good citizens of any country.* We lose nothing by losing such men. *In America it is manhood, and not dollars, that makes the man.* Intelligence and character are the marks of good citizenship. They can not be bought, or sold.

It is a part of our civilization to earn money, and money making is one of the rewards of labor, but money making must not be made a means for political preferment or a source of social distinction. *All trusts are dangerous, because the success of a trust depends upon driving some one else out of business.* To build up one trust you must destroy many small concerns. A wise public opinion on the subject of trusts inspired Presidents Harrison, Cleveland, and McKinley to address the Congress upon that subject; each called upon Congress to provide for remedial legislation against trusts.

The Law as to Trusts

On July 2, 1890, the Congress anticipated all other public action and passed an Act entitled, "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies," and the Supreme Court of the United States has rendered several important opinions concerning this statute. Mr. Chief Justice Fuller said, in U. S. vs. E. C. Knight Co., 156 U. S. 1–16, "All the authorities agree that in order to vitiate a contract or combination it is not essential that its results should be a complete monopoly; it is sufficient if it really tends to that end, and to deprive the public of the advantages which flow from free competition."

So it was held by the same Court in the recent case of Addyston Pipe and Steel Co., et al., vs. United States, a decision rendered December 4, 1899: "That the total suppression of the trade in the commodity is not necessary in order to render the combination one in restraint of trade. . . . The fundamental question is whether the necessary effect of the combination is to restrain interstate commerce." And the court took the broad

position that, under the Act of 1890, trusts could not be maintained, and that "any combination among dealers in that kind of commodity which in its direct and immediate effect forecloses all opposition and enhances the purchase price for which such commodity would otherwise be delivered in another state, would, in our opinion, be one in restraint of trade or commerce among the states."

The court further said: "The word 'liberty,' as used in the Constitution, was not to be confined to the *mere liberty of person, but included, among others, a right to enter into certain classes of contracts for the purpose of enabling the citizen to carry on his business.*" (Referring to Allgeyer vs. Louisiana, 165 U. S. 578; United States vs. Joint Traffic Association, 171 U. S. 505–578.)

It was also held in the case of Addyston Pipe and Steel Co. vs. U. S., "that private individuals can as much violate the law in relation to trade and commerce between the States, or with foreign countries, as can the States themselves." In a word, the Congress has exclusive jurisdiction over all matters affecting interstate commerce, and the States retain the jurisdiction only of commerce within the State. Each State prescribes the duty of its own citizens in dealing with themselves, but the moment those citizens overstep the boundary of the State and deal with citizens of other States, or of foreign countries, *then the power of Congress is called into action*, and thus the Congress of the United States legislates upon all questions involved in the interstate or foreign commerce.

It thus seems to be the settled law that any one who does an act in restraint of interstate trade, or who creates a monopoly, should be punished under the laws of Congress, and all such acts are prohibited by the law of July 2, 1890. All of the great corporate trusts of the country that deal with people beyond the limits of the State where such trusts are organized, come within the scope of this law. The United States Courts have already assumed a clear position on this question in favor of the people and against all restraints of trade or monopolies, and now the single inquiry is, "Will the people sustain the Congress and the Courts in what they have done and in what they are doing for the people's cause?"

All corporate trusts are dangerous to free institutions, not alone because these corporate trusts are rich, but rather because they become monopolies and are a restraint upon trade. I have no doubt that private corporations, as business

institutions, are wise and necessary. Against these I have nothing to say.

The acquisition of wealth is the common right of all people. We are justly proud of some of our broad-minded rich men, but as this is a government of the people and for the people, the creatures of the government, like corporations, should not try to destroy their creator by corrupting it, nor should the useful capital of small but legitimate enterprises be forced out of business by the vast influence of larger capital and more powerful enterprises dealing in both political and business concerns. The growth of corporate trusts has created a contest between all small but honest investors and a few great corporate trusts which are in restraint of trade; between the men and the organized money of the country; between combined capital and the disorganized labor of the people; between the four hundred millionaires who do not work, and the seventy-five millions of Americans who do work; between the men who would maintain the Republic in all its purity and those who would corrupt it. It has become apparent that small enterprises can not exist in a country where large enterprises are permitted to hold the mastery. The legal rights of all men and all corporations must be the same because the strong will destroy the weak if they have a chance. Corporate trusts freeze out all small concerns and stop all competition.

There should be no business or political favorites in a free country like ours. Each American embodies some part of an honorable political and business aspiration. He, in part, forms the government; his character enters into and becomes a part of the national character. Political independence and private virtue should be cultivated if we would maintain public virtue. The political and property rights of all men must be equally guarded, and the law must apply to all alike.

The business world is interested in a fair and equal strife for business success, because individual industry and private virtue go hand in hand. The prosperity of a country depends on the number of its honest men, for if one man's money can so organize as to keep other men's money from being invested, or from carrying on a legitimate business, then one set of men can so organize that other men can not work at certain trades or work at all, and if great capital is allowed to so control trade that men of small capital can not do business, then the rich

will grow richer and the poor poorer; and a free nation of very rich and very poor men can not long remain free.

Nothing is better settled than that every true American must have something to aspire to better than his present condition,—something to believe in better than himself. In the earlier days of the Republic, wealth was more evenly disseminated than now; then it was a strife to live, now it is a struggle to rule; now there are a few great corporate trusts which would control the country. Is it best that one great corporate trust should fix the price or control the supply of oil, sugar, coal, iron, flour, tin, or any other needful article? This paralyzes the business of other individuals, destroys competition, violates the laws of trade, increases prices, and injures the people by depriving them of the opportunity to pursue a varied business calling and by limiting the field of labor.

But the great danger of trusts is a political one, because all trusts drift into politics; and then organized money, instead of manhood, becomes the source of political power. This nation was created by men to govern men, and not by money to control money. What chance have the young men of our country to maintain the glory of this Republic if all do not enjoy equal political rights, as well as the equal opportunity of improving their condition financially? And how can this be done if a few great financial institutions control the trade and commerce of the people?

The field of industry must not be closed to any one; and if all men do not enjoy business equality, they will not enjoy political equality, and the rights of all will be imperiled. So long as the Roman eagle represented the glory and honor of Rome, the Roman legions defended Rome, but when bad men, through corruption, displaced the gallant defenders of Rome, then Rome fell. And so to-day those who enrich themselves by the use of corporate trusts never fill the ranks of the army or navy. They leave their country in war, and in peace they rob it. The masses of the people alone defend the flag when it is in peril—they are always at home. In a word, those who receive the least favors from our free institutions do the most to preserve them.

In this Republic there must not be any power, political or monetary, stronger than men. The patriotism, the intelligence, the strength, and the glory of a free nation is found only with the citizens of that nation. Hitherto we have been a happy people because we have been politically free and financially independent. Shall we now allow anything to break in upon these conditions? We can not remedy evils until we know of their existence; corporate trusts we now know are evils.

Trusts are illegal. It is our first and highest duty to perpetuate American institutions—that is the problem with us. We must bear in mind that *this Republic will last as long as the people are capable of governing themselves.* This nation can not be too big; our people can not be too prosperous or our fame too glorious, but we must be just to each other. As was well said by another: "This nation shall live the incarnation of freedom. It shall live the embodiment of power and the majesty of the people. It shall stand a thousand years to come, the Colossus of the nations, its feet upon the continents, its scepter over the seas." *But it must be the people's government, for in the majesty of the people is its strength and the political equality of all men is its greatest glory.*

The Lessons of the Past

Since the organization of the Republic, we have received some instructive lessons as to our duty as citizens, and we have had one rebellion caused by domestic slavery. It grew upon us. For many years the slavery question had been a danger-line in the politics of the Republic. In many respects this is analogous to the present conditions. Slaves were property, and the then slave-holders were not responsible for its existence in America. The people said about slavery then what some people say about corporate trusts now,—"Let every man use his own property to suit himself," but it was found that this endangered other people in the use of their property, and slavery threatened to be destructive of free government and of free labor; and it had to go.

No one thought that slavery was best for the country, but it was here, and we saw no way of getting rid of it. Vast property interests were involved, and as we could not peacefully destroy property, we could not destroy slavery. The mass of the people thought that to free the

slaves would be an injustice to the people who owned them, and in one sense this was true. The same argument can now be made as to corporate trusts, except that trusts can be prohibited by law, and slavery was then recognized by the National Constitution and by the acts of Congress and by the laws of the several States.

But whatever might be said about slavery as one of the unfortunate institutions of our country, its greatest evil was the corrupting influence it had upon politics and upon individual political independence, and this is the danger of corporate trusts. Slaves were owned by a class, mostly rich people; corporate trusts are controlled by a few rich people. Slavery created class distinctions between those who owned and those who did not own slaves. So with corporate trusts,—no poor man is interested in a trust. Then every political act of all great national parties was made to subserve the one great overshadowing question; and in politics the inquiry was, "How will the slave States vote?" (and yet slaves could not vote); as now the question is, "How will the great corporations vote?" and yet no corporation has a vote; but slave property was then represented in politics—corporate trusts are so represented now.

For full forty years, both in Congress and out of it, slavery was the one single national question that created strife and inspired the most dangerous and exciting political action; for the past ten years this has been so with corporate trusts. Slavery divided the people of different States and of the same State; it broke asunder party ties; it estranged whole communities from their great leaders; it defeated more than one man for President, and it elected others; such illustrious men as Calhoun, Clay, and Webster were deprived of the rewards of honorable ambition by its vast influence; it stood at the gates of American empire and made our progress subservient to it; the admission of each new State was opposed or favored on the single issue of freedom or slavery; a feeling of unrest was everywhere noticeable, until war alone could settle the issue, and war did settle it. It was a question not alone affecting the freedom of men, but the rights of property, and to destroy the evil, both slavery and the rights of property in slaves were stricken down. In a word, the people were equal to the emergency; they found a remedy and applied it.

Looking back over this painful period in our history, no one can truthfully lay the blame upon any one section of our country, or upon any one man. Slavery was a growth in American civilization which could only be stopped by war. Corporate trusts are a growth, and no less dangerous; but they can be stopped without war. These historical events have taught us a lesson which we can not forget, namely, *this Republic must not encourage an admitted wrong*, and that it is easier to remedy a wrong at the commencement than to remove the evil when established.

Any form of political corruption in American politics is a wrong which must be peacefully remedied by that weapon of American freemen—the ballot. Our government is founded upon the purity and sacredness of the ballot, and any influence, however attractive, which tends to make the ballot lie will ultimately lead to great national evils; and the use of money in politics is that influence. And the money of trusts is always seeking political investments. An honest ballot is the cornerstone of the temple of liberty, and neither trusts nor organized corporate wealth in any form can afford to pull that great structure down by corrupting the ballot. It stands as a protection to all interests and to all men, and it must stand through all time.

Another great danger of trusts is that they have no personal responsibility. They can do what no individual man can afford to do, and yet trusts are the creatures of the law. They enrich themselves by destroying other and less prosperous rivals in business. They increase prices and create monopolies; they have no conscience, no religion, and no patriotism; they can not vote; they belong to no party; they are true to no principle; they recognize no rule of action but greed, and as they are organized to make money, their single purpose in business or in politics is money.. They fight none of the battles of our country; they are an impersonal institution, alike useless in war and dangerous in peace; they enjoy all the benefits of our government without bearing any of the burdens; they are even more dangerous because they are a domestic and not a foreign enemy; they are an organized power at home, which speculates out of the misfortunes of others. Corporate trusts largely control the labor and the small savings of the people, because they

grow rich upon deception and fraud. The question of their existence arises above party. It affects the welfare of the whole country, and it must be met and battled with. A wise public opinion is necessary to secure good laws and to destroy bad ones. The people are responsible for the violation of our laws, and hence responsible for these trusts, and the people must provide a remedy.

The great power of trusts rests in the fact that they control what the people most want. For instance, there is a flour trust, by which the price of flour is kept at such a figure that the trust gets rich and the consumer grows poor.

There is a tin trust, by which tin, within one year, has advanced in price from $2.65 a box to $4.65 a box. There is an oil trust, whereby kerosene oil sells at from 5 cents to 18 cents a gallon where there *is competition*, and at 20 cents to 25 cents a gallon where there is *no competition*. The small man must be killed off to sustain that trust.

There is a sugar trust. The people must have sugar, and so a trust fixes the price of sugar. The chief man in that trust has become the richest man in America, by, as he says, selling sugar "cheap," while millions of people are paying too much for sugar. The people must keep warm, and so there is a trust in coal, which has increased the price of coal from fifty cents to one dollar a ton everywhere in the eastern States.

There is the iron and steel trust, whereby, within twelve months, all metals have advanced from eighty to one hundred and twenty per cent, and still we are told that trusts benefit the people by cheapening commodities.

It is against common reason to say the price of articles will be lower when there is no competition, and but one source of supply, than when there is competition, and many sources of supply.

We should add, it is but fair to the small trusts to admit that, while all trusts are bad some are worse than others. *The railroad corporations of our country are the most powerful monopolies and the greatest trusts known to Americans.* They are more successful than any other corporate trusts, because railroads are more necessary to the people; in fact, there can be no successful corporate trust in any business without a railroad behind

Railroad Trusts

it. Railroad corporations are the biggest property owners in America, and, like the ownership of slaves, the business world is interested in them. They control traffic, and often the price of the commodities they transport, and by coming to the front in American politics, as some of them do, they largely control elections. And when money is a power in politics, as it too often is, the more money the more bad politics.

In 1898 the total value of the railroads of the United States reached the enormous sum of $11,931,613,633, or about one-sixth of all the property of the country, while the liabilities of all the railroads in the United States for the same year, including their watered stock, reached the vast amount of $11,631,711,940, more than eight times the total national debt, and only three hundred millions less than the total value of their property ; and this vast property is controlled, and this vast liability is incurred, by but a few men.

The present problem affecting the railroad, is, Shall railroad corporations, like other but smaller corporations, be confined to the business they are incorporated to engage in, or shall they be allowed to largely control the business industries of the country, interfere in politics, manipulate the finances, and dominate all the small enterprises of the nation.

Shall they be prohibited, like other people, from forming trusts and combinations among themselves or with other business institutions in restraint of trade and commerce? The railroad corporations, when combined (and they will all soon be combined), represent a capitalization greater than many of the nations of the world. The total gross earnings of the railroads of the United States for the year 1898 were $1,123,546,666, an income greater than the income of any nation on the earth. They had then 184,000 miles of railroad track in this country, and they employed 200,000 men. All in all, the railroads of this nation are infinitely more powerful than the Government. They have more employees and spend more money.

But they say they are not trusts. Why, there is one railroad corporation in the United States which owns or holds long leases upon ninety different railroad corporations, with an aggregate mileage exceeding 7,300 miles, and with a capitalization of near $500,000,000. This is the greatest and most dangerous trust in the country. By the sheer weight of its massed capital it controls all

opposition of men or money; and it is incorporated in a state where it has not a mile of railroad.

To illustrate the vast influence of this class of corporations, I refer to Mr. James Bryce, who was once a member of the English Parliament and a publicist of rare ability, and who says, at page 657 of volume 2 of his "American Commonwealth," that "war is the natural state of an American railroad towards all other authorities and towards its own fellows." It is thus above the law. "That all the great railroad lines," says he, "are controlled and managed either by a small knot of persons or by a single man." (Page 560.)

Referring to the American railroads, generally, the same author says, at page 653, volume 2, of his book, "that an American railway king has more power than the President and the Speaker of the House of Representatives. They only hold their positions for two and four years respectively, while a railroad monarch may hold his for life."

"Thus," says Bryce, "*while the principle of monarchy is banished from the field of government in the United States, it creeps back again and asserts its strength in the scarcely less momentous contest of industry and finance.*"

This is the unbiased judgment of a foreigner who has no personal interest in misleading the people of this country.

Some of the railroad combinations have reached out until they not only dictate much of the political policy of the Republic, but they control the price of nearly all articles the people most need. They consolidate when it is to their interest to consolidate, pool when it is their interest to pool, but the big companies always get the small ones.

It has been said that if the railroads do not control coal mines, and most of them do, they fix their output; if they do not raise grain and fruit, they fix the price by reason of their controlling their transportation; if they do not work iron mines, and some of them do, they control the price of iron, because they deliver the ore to the furnace and the manufactured article to a market; if they do not raise and feed cattle, they fix the price of meat by charging all the traffic will bear for its transportation; if they do not produce sugar, they combine with those who do; if they do not run refineries and oil wells, they market the articles and by fixing varying rates for transportation,

they build up some people and destroy others. They are the greatest monopolists of America.

Trusts multiply because one trust creates an apparent necessity for other trusts. For instance, when several railroads combine to control the prices and routing of freight, then shippers are compelled to combine to protect their interests.

At this time the only remedy against railroad corporate trusts is that the investors in these enterprises rob each other and thus make their investments unsafe, because uncertain. They commence by watering their stock, that is to say, for $1,000,000 worth of property they issue $10,000,000, or more often $20,000,000 of stock, and afterwards they point to the reasonable dividends of their watered stock and say to the good people, "You see we are not making money." They employ high-priced officers from their own set; they employ lobbyists at the State Capitals and at Washington; they employ some newspapers, own some, and influence others. In fact, all the great trusts are busy making a false public opinion in their favor. Note the recent investigation of the Standard Oil Company in Ohio, where the Attorney-General of that State was charged with all the villainies.

The following is but a low estimate, made by an eastern statistician, of some of the principal trusts of the country. In recent years the development of trusts in the United States has been rapid.

In Coal there are trusts to the amount of about	$ 500,000,000
In Grain	400,000,000
In Cattle and Meat, over	100,000,000
In Whisky—the beverage of old Kentucky and California	40,000,000
In Beer	75,000,000
In Sugar, over	100,000,000
In Leather alone, about	100,000,000
In that attractive musical instrument—the piano	50,000,000
In Gas and Electric Lights, above	150,000,000
In Street Railways, the sum is fabulous, from	200,000,000
to	500,000,000
In Steam Railroads in the United States, which claim and receive dividends from the people, there is fully in trusts and combinations alone.	2,000,000,000

I am aware that corporate trusts appeal to the sacredness of their property rights (slavery did the same thing).

The Property Rights of Corporate Trusts

Their property rights no thoughtful man attacks and no man questions, so long as they obey the laws, and still some of them have no respect for the property rights of others.

In claiming protection for their property, they forget that under the laws no man has the right to use his own property in such a manner as to inflict injury upon others, nor has any one the right to hold property or combine vast property interests, the result of which will be a lasting injury to other people. No man has the right to maintain a kind of business in such a place or in such a manner or for such a purpose as will prove dangerous to good morals or to the health of others, or to the politics of the people, or so that it will destroy fair competition. If this be so, then why should a creature of the law, as all forms of corporate trusts are, be permitted to use its vast influence to destroy good government or financially injure the weaker members of society?

It is apparent why trusts have greater influence in a free country like America than elsewhere. Here political parties are so evenly divided that the controlling balance of power is in a comparatively few men, and for that reason the most nefarious boss-rule is possible. But there is no more reason why, from a business or moral standpoint, an oil trust, or any other corporate trust, should be a political power than there is for a tin shop, a foundry, a machine shop, a bank, or an insurance company, except that the trusts violate the law, and other business institutions do not.

The great secret, if it be a secret, is how to remedy the evil. No one party can do this, for the remedy will require an exercise of the greatest moral power and the highest political force that the people can bring to bear. The people must do this if they would preserve free institutions in the United States.

Trusts are created by opportunity. They are money-making institutions. If the law does not sustain them they will not be organized; if money is to be made by them and the law permits their organization, then they organize. For instance, more than one-half of all the trusts organized during the past two years in the

How Trusts Are Created

United States, outside of railroads, have been created in the State of New Jersey, where the law encourages such corporations, while in New York, a much richer state, where the law discourages such organizations, there have been but few, if any, trusts formed.

All corporate trusts in restraint of trade were at common law illegal,—this has been the law of England for centuries. In our country in addition to the U. S. Statutes, we have State laws on this subject in most of the States making trusts illegal, but California is a conspicuous exception. During the last year the States of Arkansas, Indiana, New York, North Carolina, Kansas, Michigan, Missouri, and Texas passed the most sweeping anti-trust laws, while most of the other States had previously passed restrictive laws on this subject.

It is unnecessary to say that trusts profit by their organization or they would not organize. They first destroy competition and thus violate the laws of trade and the principles of common honesty; they then drive small and popular concerns out of business by the weight of their vast wealth; they enter politics to further their own ends and thus imperil the government. Like slavery, if they do not go down, the government will. There can be no compromise with trusts and monopolies that will ever mean peace to the Government and Justice to the people, for divided authority means no authority, and they can not exist without violating the law.

It is a part of the business philosophy of our time that, if allowed to do so, great business enterprises absorb and destroy small ones. Referring to the danger of great aggregations of capital, note what President Jackson said in his veto on the Bank Bill in 1832, which is peculiarly appropriate at this time : "When the laws undertake to grant gratuities and exclusive privileges; to make the rich richer and the potent more powerful; the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government."

Let us not underrate this contest. On every pulse of industry the trusts have a finger counting its beats, and upon every new and prosperous enterprise they have the grasp of their hand. On one side is a most powerful monetary and political influence; on the other, the rights of the people and the perpetuity of free government. One is always organized; the other is organized only

when the country is in danger: the one is misleading and deceptive; the other is always in the open: one fights honest men and honest principles; the other defends them. Which shall hold the mastery?

Political parties, while necessary in free countries, are human agencies and subject to err. No political party can afford to defend trusts. It will be a sad commentary on our free institutions when party political success shall rest upon the defeat of good government, when virtue and honor shall be trampled down by the corrupting influence of the monetary power of the country, and when a few men will have the power of control over the elections of the people. It has been our pride that we recognized no master but the people. Obedience to a master is the sullen submission of slaves and not the generous allegiance of free men. Such obedience can not meet a great emergency or suffer a great sacrifice. All great trusts will desert the ship of state when it is in danger. They will first scuttle the good ship and then flee for safety to distant lands.

We can not say we are not old enough, or big enough, or wise enough, to remedy all existing evils. We can not plead at the bar of the civilized world that we are capable of self-government, and yet that our money controls our men. We have reached the full age of national manhood, though in the average life of nations we are young; but our people are old and full of experience. Our fathers came here to avoid the perils of bad government in their fatherland; they came here wanderers from home, seeking civil and religious liberty; they came to vindicate manhood and make secure their independence; they came from wrecked hopes and broken fortunes, and they came when "nothing human was alien to them." They have created a new and a free nation. Shall that nation continue to be what they made it, or shall it fall to pieces by the weight of its own corruption? That is the problem.

(LAL.)

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SPEECH

OF

Hon. Morris M. Estee

REPUBLICAN NOMINEE FOR GOVERNOR.

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FELLOW CITIZENS:

The history of modern civilization shows that the more enlightened the people the less they need to be governed, and that the nation is governed best which is governed the least. Indeed all that the wisest statesmanship can secure to the citizen, beyond the protection of his life and liberty, is the opportunity to help himself. Failing in this, the law fails; and thus it is that when not interfering with the rights of others, what the people most need is to be let alone. It is the constant nagging, the threat of a change, the experimenting with good conditions, the remodeling of commercial, revenue and financial systems, the attempt (often for partisan purposes) to do something new, whether the thing done is an improvement or not, and the uncertainty as to what changes are to be so made, that endanger the business industries of the country, interfere with work and wages, make uncertain what should be stable, and thus cause hard

times. Indeed, any change which decreases the amount of work or lowers the price of labor, is bad.

There is nothing which so largely controls the demand for and the price of labor, the value of commodities and the success or failure of the industrial pursuits of our people, as the tariff duties imposed on foreign manufactured goods. This is so because a change in the protective duties imposed on such articles imported into our country, causes a change in the amount of manufacturing done in America, and this affects the demand for and the price of labor.

Two years ago the Democratic Party gained power under the seductive cry of tariff reform. Exactly what tariff reform meant no one ever knew before election; the Democrats themselves do not know now. It is true the Democratic Party declared in its national platform that protection was unconstitutional; but thiswas a mere phrase, for if protection is unconstitutional, free trade is also unconstitutional. The proposition was so absurd that no Democratic Congressman has attempted to sustain it by his vote. Since the Democracy went into power, it has, by the aid of the Populists, and especially by the aid of Mr. Cannon (the only Populist elected to Congress from California) endeavored to give to the people of this State, and the people of the nation, a lesson in tariff reform. We need but review the instructive experience which seventeen months of that reform has taught the people, to know what Democratic and Populist tariff reform means.

Condition of the Country.

Looking at the present condition of our country, the wrecks of fortunes, the desolated homes, the unrewarded labor, the appeals which want and hunger make, we cannot but see the cause for this most deplorable condition, a review of which cannot fail to be instructive.

On the 4th of March, 1893, when Mr. Cleveland was inaugurated, prosperity prevailed—our exports exceeded our imports, our income exceeded our expenditure. The wheels of machinery were everywhere in motion. The products of

the farm and factory brought fair prices, labor was well employed and at good wages. There was $130,000,000 of unexpended balances in the national treasury. No financial stress existed. Money was abundant. By the purchase of silver and the issue of silver certificates, four million of dollars was monthly added to the circulating medium of the country. Nowhere did want exist or was unrest noticed. Prosperity had prevailed so many years that very few believed the people of America could suffer. This great country with its vast resources seemed proof against danger. The people knew that for the preceding year our foreign commerce had never been so large; that our exports had been $1,030,-278,148, while our imports were $827,402,462, leaving a net balance of exports over imports of $202,875,686; that the public debt had been largely paid off; that millions of dollars were annually and willingly paid as pensions to the soldiers; that our foreign policy, under the wise direction of President Harrison and Mr. Blaine, commanded the respect of foreign nations and the confidence of Americans; that profound peace prevailed throughout the world, and that no rational reason existed for the suffering of the poor, or the financial losses of the rich. It is true, many thoughtless persons complained of their condition and wanted a change. The change came and with it the most frightful condition of things that ever in time of peace confronted a great commercial and industrial nation. With resources as vast and as varied as the wants of man, with a territory covering half a continent, with a surplus of all the necessaries of life, 65,000,000 of people found themselves in distress. Within twelve months after Mr. Cleveland was inaugurated, 2,000,000 American laborers were thrown out of employment, the value of the products of the farm and the factory were lowered more than twenty-five per cent.; all new and many old enterprises were stopped; in every direction a brake was placed on the wheels of American progress; a halt called along the line of American advancement; our foreign and domestic commerce was largely suspended. For a full year and five months the American people have been in a

state of siege. Had every port of our country been closed our condition could hardly have been worse. Without any unusual demands upon the Government, since Mr. Cleveland's inauguration, our national indebtedness has increased $72,000,000; to meet our gold balances at home and abroad we have issued $50,000,000 gold bonds, and more must soon be issued or we will cease to pay. By Mr. Cleveland's recommendation, silver has been practically demonetized.

Before the Democracy commenced to carry out the present policy of revenue and finance, in California the fall clip of wool sold at 14 to 20 cents a pound. Now it sells at from 6 to 10 cents a pound. Wheat sold at $1.25 to $1.30 a cental. Now it sells at from 90 cents to $1.00. Raisins sold at from $1.00 to $1.50 a box. They now sell at 65 cents to 85 cents a box. Farm labor was worth from $25 to $30 a month; while now but $15 to $20. And so along the whole line of California productions, the same appalling depression in prices is everywhere noticed. Nor is the result different here than elsewhere throughout the republic. Money two years ago was abundant. Now it is dear, scarce and difficult to get. To carry the parallel further, we need but state that more banks and commercial houses have failed since the 4th of March, 1893, than for any other like period in the history of the republic.

Effect of a Foreign Policy.

It is asked, what are the reasons for these calamities and what is the remedy? These conditions have resulted from *Democratic tariff reform*, from a change in our monetary system and from the settled Democratic policy to foreignize our country. In a word, Mr. Cleveland, by introducing free trade and low wages, has attempted to Europeanize America. He would establish new and untried revenue and financial systems in this republic and thus disturb the laws of trade and change the lines of commerce. He has undertaken to create in Republican America a foreign policy—the growth of monarchial governments, of

class distinctions, of centuries of penury and want. Look at the picture, and see what has been the result of free trade in England, the only great free trade country in the world. It will be seen by the U. S. Consular reports of July 1, 1894, just issued, that $87\frac{7}{10}$ per cent of all the cultivated land of England is farmed by tenants; that within twenty years one-ninth of all the arable lands of England has gone out of cultivation; that in a population of 37,879,285 people in Great Britain, 954,686 are paupers, while according to the U. S. census of 1890, in a population in the United States of 65,000,000, there was at that time but 66,578 white paupers and 6,467 colored paupers. This was before Mr. Cleveland came into power and before he commenced his great reform movement. And yet, in the presence of the above historical lessons, he has sought to fix American values of labor and the products of labor by foreign precedents. To do this, he advocates free trade and gold money; and thus the Democracy, under Mr. Cleveland's mistaken leadership represents only the creditor class—the importers, the money-lenders and the bondholders. Here, too, he fails, because as the productive industries of the country are destroyed, trade and commerce are destroyed also, and money cannot be safely loaned. For seventeen months a Democratic Congress has given us Democratic remedies for Democratic diseases, but the remedies have failed, and our condition is growing worse. This reminds me of the story told of the old South Carolina negro slave, who sent word to his master: "De mule am sick; I guv him de medcin. He am well ob de desease, but am dyin' ob de remedy." We are dying of Democratic remedies. Divided among themselves, some Democrats favoring and some opposing Mr. Cleveland and his ruinous policy, a reign of doubt, uncertainty and inaction has prevailed, until now unrest everywhere exists and anarchy is threatened. Never, in the history of the past, in times of peace, has the condition of a great people, for no just cause, been so changed from prosperity to want. Well may it be said that to gain power is easy and common, to use it wisely is difficult and rare indeed.

A Theorist in Government.

The fact is, Mr. Cleveland has for years been experimenting with the patience of the American people. He is a theorist in government as he is in revenue laws. He knew the people were prosperous under Republican rule, and he knew he must *promise* to do more than the *Republicans had done*, and therefore, under the uncertain but attractive promise of "Revenue Reform," he made many of his own and even some of our party believe a great wrong was being done the people and that he was the Moses with the remedy for that wrong. The people have patiently waited for the blessings to come until they are bankrupt. Mr. Cleveland forgets that while the nation can borrow money by issuing and selling bonds, the people, the producers, the laborers, cannot issue or sell bonds to buy *their* bread—that while silver may be demonetized for the benefit of Wall street, and money thus be made dear and scarce, yet the very safety and security of that same money is jeopardized by that act; for all property is made of less value and safe investment rendered impossible. He forgets that all governments are intended to protect and defend the people, not to injure or impoverish them.

In a word, Mr. Cleveland and his few followers are satisfying themselves with the pleasing delusion that our children and children's children will be happy if we suffer; that when gold is our only money, when free trade shall become the national policy, and American labor and American products shall reach European prices, then the people will be content and happy and the Cleveland Democracy triumphant. My friends, when that time comes we will have no government to sustain, no property to protect, no liberty to defend.

The Blight of Free Trade.

To recapitulate: Mr. Cleveland went into office with all our vast national resources within reach, our productive energy unimpaired, our manufacturing industries in successful operation and undiminished in resource—the same fertile soil and genial climate, an amount of money in circulation necessary for the business needs of the people, the

same number of laborers with unabated capacity for work, the people in health and the country at peace; and yet the commercial agencies report that the first year of his administration, namely, "the year 1893, was the most disastrous in the history of the American Republic."

Neither war nor epidemic had ever caused such financial depression—such national distress. The bank clearances from March, 1893, to March, 1894, fell off more than ten billions of dollars; one-sixth of the railway mileage of the country went into the hands of receivers; five hundred and ninety-eight banks closed their doors, and 16,650 business houses failed within those twelve months, showing a loss of $557,778,697, and thirty-three per cent. of these business houses were manufacturers. During the same time, the sale of textiles fell off 37 per cent; of iron 38 per cent; of furniture 26 per cent; of shoes 18 per cent; of hats 19½ per cent; and of hardware 19 per cent. And now, over one-half of the woolen mills are idle. Do the American people wish to repeat these reforms?

Work of the Wreckers for a Single Year.

Such is but a brief reference to the work of the wreckers of American industries for a single year. And be it remembered the Populist members of Congress and Senators voted with the Cleveland Democracy on these so-called tariff reform measures and are equally responsible. I say Cleveland Democracy, because there are two kinds of Democrats in this age: The old time American Jeffersonian Democrats who believe in and will defend the industrial interests of the whole country, and the Cleveland Democrats who favor the sugar trust and Wall street, and who never go west of Buffalo or south of the Ohio river.

Two years ago it was my privilege to debate the tariff issue before the people of California with Senator White. In that debate he ably supported the Democratic platform, which prescribed that protection was unconstitutional and a fraud. He said that plank was right. And yet, last winter, after having been elected to the Senate of the United States

on that platform, he was compelled to give a tame support in favor of protection to California products. He endeavored to impose a protective tariff on some articles which compete with California products, such as raisins, prunes, oranges, wine and nuts; he knew the principles of his party, if carried into effect, would ruin our people, and he made an effort, aided always by Mr. Geary and the Republicans in Congress, to protect our producers, and thus he admitted that protection was not a fraud or unconstitutional. He was better than the principles of his party. I cannot fail to avail myself of this opportunity of congratulating the distinguished Senator on his conversion to Republican principles, even though he takes them in homeopathic doses, and I congratulate our party on the splendid acquisition we have made in numbering him among our illustrious followers. I also congratulate California on the fact that many of our Democratic friends, both in this State and in Washington, when put to the test, are patriotic enough to adopt Republican protective principles. In a word, they admit their platform was a deception and a fraud.

To repeat, and to emphasize this point, it requires no argument to show that the California producer cannot maintain the present price of wages and compete on equal terms with the raisin grower of Malaga, where labor is twenty cents a day; with the oil and nut raisers on the Mediterranean, where labor is worth twenty-two cents a day; with the wine producer of France, where labor is thirty cents a day; or with the wool producer of Australia, where the rent of lands is not equal to our taxes.

My friends, this contest, even here in California, has broadened into a great national issue. It is a conflict between American labor and foreign labor; between American civilization and foreign civilization; between self-preservation and self-destruction. You are the jury—you must decide between them.

A Protective Tariff Imposed on Foreign Articles Imported for sale in the United States, which compete with what America can Produce, Raises the Standard of American Wages and Maintains American Industries.

Cheap foreign products imported free of duty into America necessarily lower the wages of American labor to the standard of the labor which made such articles. It is admitted that American labor now receives from 50 to 150 per cent. more than European labor, and it must be admitted that anything that tends to lower the present value of American labor injures the American people; because it follows that cheap labor means cheap living, and cheap living is a step backward and a danger signal to free institutions. The American people are not sustained by the accumulations of past generations. They daily produce what they consume. Work is the foundation upon which our wealth is built, so labor must be protected if we would secure prosperity to the people and wealth to the country. We can only protect our labor by prohibiting foreign cheap laborers from coming here and supplanting our own people in their industrial lines, and by imposing protective duties on the products of foreign labor, and thus prohibiting such products from competing in an American market with what we produce. In a word, this country should not be a resort for the criminals of the world, an asylum for the poor of the world, or a home for the cheap pauper workers of the world. Charity begins at home. And we should protect our labor as we would defend the flag or maintain the national honor.

We have stopped Chinese from coming here because they compete with our labor, and for like reasons we should also stop the free importation of the products of Chinese and other cheap labor.

It is true the temptation to foreigners to reach for and control the American markets, and for foreign cheap labor to supplant American dear labor, is great. This is so because the resources of the United States are illimitable. The whole world is contesting for the industrial prizes of our

country. Shall we surrender these prizes to them, or retain them for ourselves and for our children? This is the problem of the hour. The might of our civilization and the sleepless industry of our people have done much toward holding American labor markets, but the question now is, shall there be a brake put on the wheels of American progress by adding to it a foreign load that we cannot carry, or shall we move on in the lines of American civilization by sustaining American producers and promoting American enterprises?

Record of the Republican Party.

The Republican Party is the party of the people. It stands for right and justice, for law and order, for home institutions, for protection. It is opposed to anarchy. It is for protection in its broadest sense. It would protect the lives, the property and the labor of our country. In its infancy it stood for free labor against slave labor, for homesteads for the people, for liberty and the rights of man; now, in the fullness of its age and strength, it stands for good wages against low wages. It is a law-abiding and a God-fearing party. It would protect, with equal devotion, the man who runs the wheel-barrow, the cart or the rail-car. Republicans believe in the American system of government, because it is a government of the people. They believe in the purity of American home life, in American free schools, and in American freedom. In a word, the Republican Party is for America and all that is American. Above all, we would give to American labor steady work and good wages. If this makes ours a paternal government, we thank God we have just such a government.

The Republicans are for a protective tariff. The Democrats and Populists are for free trade.

The question is: *Can American prices for labor be maintained without protection to American products?*

This problem is now confronting our people, and it must soon be met and answered. And further: Can wages be materially lowered and our civilization maintained? Can we Europeanize the American nation—come down to the

European modes of living—and sustain American institutions? Remember European prices for labor and European prices for products mean European modes of living.

My friends and fellow-citizens: These are not partisan problems presented to further partisan interests. They are great questions of state policy affecting, in a high degree, the safety and the perpetuity of the republic. The reason why these questions are important is, that in this age, and conspicuously in this republic, more money is necessary to maintain personal and political independence than with any other people, or during any other period in the world's history. Political independence cannot exist where there is financial dependence. Once make class distinctions between the rich and the poor—between those who work and those who do not, and the government cannot stand. Place money before intelligence and character and the government cannot stand.

The Essentials of American Freedom.

Americans cannot remain free unless they are intelligent; education is not a luxury intended only for the rich; it is a necessity of our American citizenship. Our children cannot (as in European countries) be taken from the cradle to the factory. They are fed and clothed better and educated differently from those of other countries. Five years of their young lives must be spent in fitting them to become fathers and mothers of American freemen. The free public schools of our country lay the foundation for their future usefulness as citizens, and their enlightenment as men and women. The public schools are the cradles of American liberty and the corner-stone of Republican institutions.

Money has to be earned by labor, and labor must be well paid to earn it. The price of labor and the price of the products of labor fix the amount the parent can expend in fitting his children to become good citizens, and so "it follows as the night the day," that in Republican America, good wages for labor and good prices for the products of labor are necessary to sustain good govern-

ment. It is true economy must be practiced in every department of government, yet freedom is expensive. Our government is an expensive government. Our people are an expensive people. And if we change our mode of living, we must change our form of government. If you lower wages or decrease the prices of the products of labor, you attack free government. The working people must then live on less. This creates unrest and thus disturbs the peace of society. And so it is, that steady work and good wages are necessary to good government.

Wages and Industries.

It is self-evident that the more we make at home, and the less we buy from abroad, the more work there will be to do here and the better will be our home market. And the more there is to do, the greater will be the demand for labor. When America makes what Americans consume, all our people will prosper. It is a fact that capital and labor must be on friendly terms, and the two cannot be on friendly terms unless labor is justly rewarded. To be justly rewarded our home life and the necessities of our people must be considered. Nor can we forget that every American citizen has a voice in governmental affairs. He is one of the units of the body politic. Lower the standard of that unit, and you lower the standard of the government. He is one of the people, and as our government is a government of the people, when you injure or debase the people, the government falls. And so if we want good government, we must have independent manhood.

The prosperity of the laboring people of America under Republican rule, has never been equaled in the history of our own or any other country. In the presence of this universal prosperity, the Democratic Party declared that protection was a fraud and unconstitutional, and the Populists sustained and acted with them. For nearly a year and a half those two political organizations have tried to carry out that theory. They have talked tariff reform until the industries of the country have become paralyzed and

the people are hungry. They have forgotten that any reform which brings want to the people is a failure and not a reform, and that you cannot reform a hungry man without feeding him. In a word the country *was* prosperous. It is *now* in distress. What caused that prosperity? The answer is, continuous and well rewarded labor. This was the direct and inevitable result of protection. For thirty years we maintained a protective policy. That is, we legislated in favor of the worker. The value of labor under that policy was largely enhanced. The undeniable result was that wealth never accumulated so fast, our population never increased so rapidly, and peace, good order and contentment prevailed. Look at the map of the Republic and note the changes which that prosperous period has wrought. The great west has been settled, new states have been admitted into the Union, our educational opportunities have been multiplied, most of our cities have trebled their population, our commerce with foreign nations has more than quadrupled, and our position among the great powers of the world has advanced from the second or third to the first class.

Protection and Prosperity.

The prosperity of our people under the protective policy of our government is more apparent when we observe that the number of persons employed in the manufacturing industries of the United States increased from 2,732,595 in 1880 to 4,711,832 in 1890; and the amount of wages paid increased from $1,334,869,470 in 1880 to $2,282,823,265 in 1890. These statistics tell their own story.

Nor is there a shadow of truth in the statement that the present business depression is due to the acts of a Republican Congress. Protection is now and always has been the creed of our party. Under Republican rule, good wages were paid to labor and fair prices for products. Under Democratic and Populist rule, labor is poorly paid, business depression exists, and social unrest prevails. Our foreign and domestic trade is largely decreased; strikes and lockouts are of daily occurrence; one-fourth of the manufactur-

ing enterprises of the country are closed down, and more than a third of our coal and iron mines are closed or running at half time.

Who is to blame for all this? Is it the party which is not in power and which cannot provide a remedy, or is it not rather the parties which are in power and which for a year and a half have been trying to secure free trade for European products in an American market, and free trade for European labor in the same markets? Is it not the parties which, under Mr. Cleveland's leadership, have demonetized silver and made gold our only money metal? And finally—is it not the parties which, as a remedy for present hard times, present, as a new and even more dangerous fad because more seductive, that stale and unbusinesslike proposition of the Populist leaders, namely, that the general government shall loan the people's money to the people? The fallacy of this position is noticed when it is remembered, first, that the government has no money to loan; and second, the very revenue laws which the Democrats and Populists are now trying to enact will make our people poorer. And again, *money has to be successfully used if it is ever repaid.* How can it be so used when all American products are selling at or below cost? The fact is, we cannot make ourselves rich by borrowing of ourselves and lending to ourselves, for the people are the government, and in the end the people must pay the government debt. The government can only benefit the people by so directing public affairs as to secure steady work and good wages, by maintaining peace and good order, by encouraging American enterprises, by protecting home markets for our home people, by giving to Americans the first chance in the field of labor, by prohibiting the cheap pauper laborers of foreign countries from displacing American labor in America, and by maintaining a sound monetary system. In a word, those who produce the wealth of the nation must be protected by the laws of the nation. We should enjoy the full fruits of our own advantageous situation. It is true many of our natural and undeveloped resources are nearly exhausted,

and our public lands are occupied. We have now no far west to discover, no new gold fields to work out, no undeveloped country for restless spirits to emigrate to. The western tide of civilization has reached the most distant part of the continent. Beyond is the sea. Our immigration must turn back on its track. New, and to some extent alarming, conditions confront us. These conditions demand the serious attention of the best minds of our country, and thus make it evident that we must protect our own people in the pursuits of peace with the same devotion as we would defend them in time of war.

Labor and Strikes.

One of the proofs that the wages of labor cannot be lowered in America, without creating strife, is evidenced by the labor strikes now everywhere occurring in our country. These are struggles for better conditions. However illogical these strikes may seem to be, yet the effort is to elevate labor. The men are first taught by their employers that by the organization of capital there is strength, and then they are blamed for organizing labor. One has as much right to organize as the other, and neither should be allowed to violate the laws of the land, for the law is paramount and must prevail. The safety and perpetuity of free government depends on the protection of life and property, and no man has a right to punish another by destroying either his life or his property.

To commence at the root of the disease, the law must prohibit monopolies, trusts and combines, because they do away with the healthy influence of competition. They create artificial prices and sustain unjust markets. They are founded on a disregard of other people's rights, and if a great corporation has no respect for the rights of others, you cannot expect others to respect its rights.

When a single financial combination controls all the petroleum in the country, another all the sugar used by the American people, another all the sleeping cars in use, you cannot be surprised if there should be still another controlling much of the labor of the country. And when you

remember that of the $5,000,000,000 invested in railroads in the United States, 75 per cent. is owned by seven corporations, and these so combined as to act together, do you marvel that labor organizes, and that, after once organized, it uses the power it possesses?

Nor do the illustrations end here. There are 258,000 miles of telegraph lines in the United States controlled by one great corporation. Every time you use your telephone you contribute an income to millions of dollars of watered stock in the Bell Telephone Company. And every electric light which illuminates our streets is owned by one corporation. And be it said, there is no protective tariff sustaining any of these great monopolies.

Where is the Greater Danger?

Then ask yourselves, where is the greater danger? Is it in the organization of labor, or in the organization of monopolies? I do not argue that capital organized for business reasons should not be protected, nor do I say that every form of property should not be made secure by law. Our civilization *rests* upon the security afforded life and property, but the greater security rests upon the safer principle of justice to all men and injury to none. Violence in any form is an attack upon government, is un-American, and will lead to destruction of all government. Anarchy is barbarism. Peace is civilization. But do not forget that in a free country there can be no peace for the few that does not mean justice to the many. The law is the power of the State. If the laws are bad, the ballot is the remedy. No man, no set of men, can take the law into his or their own hands, and long survive, for the law must be maintained.

The Republican Party has always been for liberty and justice, for law and order. The only law ever passed by Congress against monopolies, trusts and combines, was passed in 1890, by a Republican Congress and signed by a Republican President. This law must be enforced. The safety and prosperity of the republic depends on the just enforcement of the law, and no man is a true American or

a safe counselor who seeks political advancement by advising against its enforcement. In fact that man is worse than a criminal who apologizes for crime or encourages criminals.

Competition in Transtortation.

The Republican Platform on the subject of traffic competition reads as follows:

"We are in favor of competition in the transportation of freight and passengers, by land and sea, and we earnestly recommend the early construction of a competing trans-continental railroad between San Francisco and eastern points, and the construction of competing railroads through the large productive and populous portions of our own State."

Under the Constitution of the United States the general government controls the commerce between the States. To carry into force this constitutional provision Congress has, in the past, appropriated vast sums of money to make navigable the Mississippi River, to build and maintain the Sault Ste. Marie Canal, to construct continental railroads, and to maintain harbor and other shipping facilities on the Great Lakes. The government must exercise greater control in the future over interstate commerce. This must be done to secure cheap transportation, to maintain interstate traffic, to carry the mails between the States, and to facilitate business between the Atlantic and Pacific seaboards. It must be borne in mind that our interstate commerce is many times greater than our foreign commerce, and many times greater than the entire commerce of any other nation of the world. It would therefore be of infinite value to the Pacific States and Territories if the general government owned and maintained a single line of railroad from San Francisco to the Missouri River. In war this would be of incalculable benefit to the nation. In peace it would secure fair rates of freight and passage to the people and justice to the employees. In the near future this will be inevitable. A national railroad from San Francisco to the Missouri River would be a monitor to all other transportation companies, and would protect the rights of our people against the ag-

gressions of any other continental railway. It would tend to increase immigration from the older States to our coast; it would enhance the value of our property; it would open new and better markets for our products, and thus secure our people against excessive rates of freight and fares.

One thing is certain: The general government ought not to build, maintain or pay for interstate railroads, or issue bonds to pay their indebtedness, and then not own or exercise control over such roads. The people furnish the money to the government to make these payments, and the people should own such roads when built.

A Democratic committee of the House of Representatives has recently recommended that the general government guarantee the payment of principal and interest on the indebtedness of the Union and Central Pacific Railroads, the same to be due in fifty years. This is a national Democratic measure, recommended by a committee of a Democratic Congress; and yet, you may look for a flank movement on the part of our Democratic leaders in California. Either they will go over to the Populist Party, which is but a wing of the Democracy, or come out with the most striking anti-railroad platform since the Stoneman platform of 1882. I hope my Democratic friends will excuse me for referring to that piece of Democratic history; the fact is, the platform of that year was anti-monopoly, but the Stoneman administration and the Stoneman Legislature were for the railroads and all the monopolies all the time; they were not for the people, even some of the time. The people, the Republicans of this State, are opposed to this Democratic Rail Road Funding Bill. I am opposed to it. It is a mortgage on the productive industries of California for fifty years to come. Our freight sent to an eastern market will have to pay, in cost of transportation, the full amount of that mortgage debt—principal and interest; it will be a discrimination against California producers which is unfair to our people, and it will be a tax on the property of the next generation.

Local Competition in Transportation is also Necessary to Secure Success to our Producers.

If California would build up the industries of this State, the producers must be protected and the commercial advantages of San Francisco and the other large business centers of the State must be sustained. To do this, the waterways of California should be opened and extended, competitive railways should be constructed, and the Nicaragua Canal built. The producers of California now compete with each other in every market of the world, but no competition exists between those who transport our goods to a market even within the State. California producers are bottled up, both in their domestic and foreign markets. The great ocean is on one side—on the other, a thousand miles of arid country, sparsely settled.

As stated, but two remedies are left us: An interoceanic canal, and competitive overland railways to our distant markets, open waterways, and local competitive railways for local transportation. These remedies are possible. Both should be adopted. California capital can and ought to build all local railways. San Francisco and other populous centers should take a special interest in them. Cincinnati, Cleveland, Chicago, Denver, St. Louis and Minneapolis are cities which have taken a conspicuous part in opening up traffic communication with the great producing regions of the west; and by their financial efforts, the push and enterprise of their citizens, and their far-seeing business ability, they have succeeded in directing interstate commerce to these great business centers, and thus built up the cities and benefited the producers.

The cost of transportation from distant interior points to San Francisco, is a matter of the greatest importance to our people, and one on which largely depends the success or failure of the farmers. There is practically no competition from any interior point to San Francisco except along the Sacramento and San Joaquin rivers.

Gold and Silver as Money Metals.

The Constitution of the United States prescribes that—

"No State shall * * * make anything but gold and silver coin a tender in payment of debts."

The Republican platform prescribes that—

"We favor the free and unlimited coinage of silver at the ratio of 16 to 1, and the making of silver as well as gold a legal tender."

I hold that it is contrary to the letter and the spirit of the Constitution, for the Congress of the United States to demonetize either gold or silver. Both are the money metals of the Constitution. It is true, Congress has the power to declare anything beside gold and silver a legal tender in payment for debts, but by our Constitution both metals are made a legal tender. Yet the Wall street banks do not permit silver to pass through the Clearing House, and thus the Wall street financiers and President Cleveland have become greater than the Constitution. It is clear that whatever may be the private interests of business men in New York, or elsewhere, gold and silver are the money metals of the Constitution, and the recognized money metals of the civilized world, except only with creditor nations like England. It is also clear that silver money is the money of small transactions—the money of the people, and a necessity to American civilization. It is equally clear that the question whether or not gold and silver shall both be money, is a contest between the creditor and debtor nations of the world, and, in our country, between the creditor and debtor classes of the American people. In this contest, on the one side are Mr. Cleveland and Wall street, and on the other, the great commercial and industrial army of the nation, and especially the producers of the west. It is a conflict between those who create and those who speculate. In that contest are arrayed on the one side the bond-holders, the lenders of money who want their investments to be worth more when paid than when made, and the creditor class generally; on the other, the builders of empire, the creators of wealth, the bone and sinew, the progress and the patriotism of the Republic.

The reply which Mr. Cleveland and Wall street make is, that inflation will imperil the credit of the nation. But there is no inflation. The history of modern civilization is challenged to produce one instance where gold or silver, one or both, have caused an undue inflation in either monetary or business circles. True, in times of great business prosperity there is always more or less inflation. That kind of inflation benefits the people. It is incident to prosperity. The people of our country would like a little of it now. It is what we want and what the people must have. The business world and the workers never prosper on a falling market. Look at the situation. The banks are not now making money, and because they cannot make safe loans. Business is stagnant. Products do not bring fair prices. Labor is cheap and the laborer has ceased to be a large consumer.

The Democratic Party and the Populists Act Together.

Whatever may be thought to the contrary, the Populists are the left wing of the Cleveland Democracy. If you wish to advance the interests of the Democratic Party as a political organization, if you are satisfied with what that party has done for the last year and a half, and wish to sustain its position, you cannot do it more effectively than by supporting the Populist ticket. In this State, two years ago, the Democracy in the Sixth Congressional District refused to nominate a candidate for Congress against Mr. Cannon, the Populist nominee, and he received the solid Democratic vote and was elected. In Illinois, Mr. Altgeld was elected as the Democratic Governor of the State. After election, he was a good Democrat, a Populist and an anarchist all in one.

In Colorado, Governor Waite was elected as a Populist, and the history of our country never can be told without reference to his administration and his most remarkable position on the vital questions of law and order, and the rights of life and property. He was and is supported by both the Democrats and Populists. Governor Hogg, of Texas, was elected on the Populist ticket, but after election

he proved to be a full-fledged Democrat, acted with the Democracy, and is a Democrat to-day.

Irby, of South Carolina, was elected to the Senate of the United States as a Populist, defeating that illustrious Southern soldier, Wade Hampton. When he reached the Senate, he voted and acted with the Democracy. Allen, who was elected to the Senate of the United States as a Populist from Nebraska, votes with the Democracy like all the others, a Democrat under another name. So with Kyle, of South Dakota. Only two days ago the Democrats and Populists fused in that State. And so along the whole line of the Populistic and Democratic combination, they pull together. Where Democrats are strong, they try to elect Democrats; where the Populists are strong, they try to elect Populists. You can thus see the fight is for Democratic success, under the name of Populist.

One of the strongest objections to the Populist Party is its free trade principles. It is more irrational on the question of free trade than is the Democracy. In every vote had in Congress the Populist members have sustained free trade. Whatever respect we may have for men who honestly favor a bad cause, it must be admitted that in California free trade means destruction to our industries.

What is still more alarming is the fact that the Socialists everywhere throughout the country belong to or support the Populist Party.

The American people are not prepared to adopt either the extreme views of the Socialists or the free trade principles of the Populists. American soil is not fruitful soil for the growth of socialism, nor is our country the right place to teach or practice anarchy.

The Republican party asks every man who works, every man who loves his country, every man who wants better times, and every man who would maintain good government by enforcing law and order, to join it in securing these inestimable blessings. True, no party is always right. No man is always right, but a party is surely wrong that will not try to remedy admitted evils, and the citizen is equally wrong who will not aid it in doing this.

Republicans, you must remember this is a fight for principle, for self-preservation, for law and order, for good government—for country and not for men.

The Duty of Republicans.

It is a duty you owe to the people, to yourselves, to the men who labor for their bread, to stand solidly by the great party which, for so many years, has maintained the honor of the nation. It is the faith, the creed of the Republican Party to defend American civilization in every part of the republic, and to defend the rights of every American citizen, native born or adopted, wherever he may be. The Republican Party stands to-day, as it has always stood, a sentinel guarding American interests and defending American labor. You must now choose between that party and the Democracy and Populists, between the peace of society, the security of property, and business unrest and anarchy; between those who would maintain the honor and the glory of this nation, by supporting with patriotic devotion the sacred obligations of law and order and those who would destroy the republic by pulling down the pillars that sustain it.

An Historical Fact.

My friends and fellow citizens, twelve years ago I was the Republican candidate for Governor. I traveled through the State, fighting then as now for what I believed to be the interests of the people of California. At that time, some Democratic journals charged me with being the railroad candidate. This statement was made to divert the public mind from their own nominee. I made no reply to those charges and I shall make no reply to similar charges now. It is an historical fact that the railroad company opposed me at that election, and supported the Democratic candidate. My life has been spent among you. You alone are the judges of the rectitude of my purposes. During this contest I shall not swerve from the course I have marked out; shall keep the pledge made in Sacramento that this

canvass shall be so conducted that victory will bring with it no disgrace; defeat no dishonor. Let me emphasize in conclusion: That the security of property, the maintenance of law and order, depends on giving to every man, whatever his condition, an equal chance in the great struggle of life. Equality is the only safeguard of the people. The law must be honestly enforced against all men, and in favor of all men alike. Free institutions will then be perpetuated, our country will prosper, the government will be a "government of the people, for the people, and by the people, and this great Republic will not be blotted off the face of the earth," but will live on in the fullness of accumulating splendor and added glory.

CENTENNIAL CELEBRATION

OF THE

ORGANIZATION OF THE FEDERAL JUDICIARY,

HELD IN THE CITY OF NEW YORK,

FEBRUARY 4, 1890.

ADDRESSES

OF

CHIEF JUSTICE FULLER and ASSOCIATE JUSTICE FIELD,

Delivered at the Metropolitan Opera House,

TOGETHER WITH THE SPEECH OF

ASSOCIATE JUSTICE HARLAN,

Made at the Banquet in the Evening.

WASHINGTON:
1890.

ADDRESS OF CHIEF JUSTICE FULLER.

MR. PRESIDENT:

I rise to express to the New York State Bar Association, and those who have co-operated with it, on behalf of the Supreme Court of the United States, our appreciation of the admirable manner in which the Centennial Anniversary of the organization of the Judicial Department of the General Government is being celebrated, and our sense of the cordial hospitality with which we have been welcomed to the metropolitan city, where the first session of the court was held. Our acknowledgments are due for the terms in which that welcome has been extended during these exercises, and for the discriminating and eloquent addresses in historical and biographical review of the court and in exposition of its powers, the ends which it secures, and the vital functions which it exercises in the masterly constitutional scheme devised to perpetuate popular government—addresses worthy of the eminent men who have pronounced them, leaders in that great fraternity whence the membership of courts is derived, and upon whose assistance and support all courts rely.

But it is not for me, while tendering these acknowledgments, to enter upon those comprehensive reflections suggested by the occasion, and which should find expression on our part. That grateful duty appropriately devolves upon one of those veteran jurists, the fruitful labors of

whose many years have imparted imperishable fame to the tribunal and themselves. Three of them (Justices Miller, Field and Bradley), still shining in use, find work of noble note may yet be done in the cause to which their lives have been dedicated; while another (Justice Strong), the recipient of the liveliest attachment on the part of his brethren and of the people he has served so well, maintains in his well-earned retirement a never-ceasing interest in the administration of justice.

And I deem it a peculiar felicity that at a celebration conducted under the auspices of the Bar of the State of New York—that Bar which has given to the Supreme Bench a Jay, a Livingston, a Thompson, and a Hunt, and whose Blatchford continues most worthily to adorn it—I am enabled to introduce, as a representative of the court, a member of that same Bar who has reflected so much credit upon its training in more than thirty years of distinguished judicial service, Mr. Justice FIELD, of California.

ADDRESS OF MR. JUSTICE FIELD.

Mr. President and Gentlemen.

As the Chief Justice of the United States has been pleased to refer to my former connection with the Bar of this State and city, I beg to say that I still claim, with pride, membership there, and trust that the claim will be allowed. Although I remained in this city but a few years, swept away by the current which set, in 1849, for the Eldorado of the West, dreaming that I might perhaps in some way aid in laying the foundations of that great Commonwealth, which every one saw was to arise on the Pacific, I carried with me, and still retain, pleasant recollections of the learned Bar of that period, and of its great lawyers, to whom I looked up with admiration, George Wood, George Griffin, Daniel Lord, Francis B. Cutting, Benjamin F. Butler, John Duer, Charles O'Conor, James B. Gerard, James T. Brady and others—names never spoken of throughout our land without profound respect. In my subsequent life, in the varied experiences with which it has been marked, and with the extended acquaintance I have had with the legal profession, I have always regarded them as among the ablest and most learned of great advocates.

The Chief Justice in behalf of himself and his associates has expressed in fitting terms their high appreciation of the courtesy extended to them by the Bar Association of the State of New York, the remembrance of which they will carry through life. He has also expressed the

pleasure which they have felt, in common with all here present, in listening to the addresses made upon the organization of the Supreme Court, and its place in the constitutional system of the United States, and upon the lives and careers of the Justices who, by their expositions of the Constitution and their maintenance of its principles, have shed lustre upon that tribunal. But far beyond these eloquent discourses, and beyond the power of expression in words, is the eulogium presented by this vast assembly,—composed of great lawyers, eminent Judges, and men distinguishd in different departments of life for their honorable public services,—gathered from all parts of our country, to celebrate the centennial anniversary of the court's organization and to listen to the story of its labors during the hundred years of its existence,—an assembly presided over by one who has held the high office of President of the United States.

In every age and with every people there have been celebrations for triumphs in war—for battles won on land and on sea—and for triumphs of peace, such as the opening of new avenues of commerce, the discovery of new fields of industry and prosperity, the construction of stately temples and monuments, or grand edifices for the arts and sciences, and for the still nobler institutions of charity.

But never until now has there been in any country a celebration like this, to commemorate the establishment of a judicial tribunal as a co-ordinate and permanent branch of its government. The unobtrusive labors of such a department, the simplicity of its proceedings, unaccompanied by pomp or retinue, and the small number of persons composing it, have caused it to escape rather than to attract popular attention and applause.

This celebration had its inspiration in a profound reverence for the Constitution of the United States as the sure and only means of preserving the Union, with its inestimable blessings, and the conviction that this tribunal has

materially contributed to its just appreciation and to a ready obedience to its authority. For that Constitution the deepest reverence may well be entertained. Its adoption was essential to that dual government, by which alone free institutions can be maintained in a country so widely extended as ours, embracing every variety of climate, furnishing different products, supporting different industries, and having in different sections people of different habits and pursuits, and in many cases of different religious faiths.

Of this complex government—of its origin and operation—I may be pardoned if I say a few words, before speaking of its judicial department and of the peculiar functions which distinguish it from the judicial departments of all other countries, and before speaking of the necessity of legislation, that its tribunal of last resort may be as useful in the future as we believe it has been in the past.

Experience has shown that in a country of great territorial extent and varied interests, peace and lasting prosperity can exist with a civilized people only when local affairs are controlled by local authority, and at the same time there are lodged in the general government of the country such sovereign powers as will enable it to regulate the intercourse of its people with foreign nations, and between the several communities, protect them in all their rights in such intercourse, defend the country against invasion and domestic violence, and maintain the supremacy of the laws throughout its whole domain. This principle the framers of the Constitution acted upon in establishing the government of the Union, by leaving unimpaired the power of the States to control all matters of local interest, and creating a new government of sovereign powers for matters of general and national concern. They thus succeeded in reconciling local self-government—or home-rule, as it is termed—with the exercise of national sovereignty for national

purposes. Under this dual government each State may pursue the policy best suited to its people and resources, though unlike that of another State. And yet there can be no violent conflicts so long as the central government exercises its rightful power, and secures them against foreign invasion and internal violence, and extends to the citizens of each State protection in the others. The adaptation of this form of government for a far more extended territory than that existing at its adoption, has been demonstrated by the addition to the Union of new States with interests and resources in many respects essentially different from those of the original States, but which from experience of its benefits and their instinctive yearning for nationality, have formed a like attachment to the Constitution.

The prosperity which has followed this distribution of governmental powers not only attests the wisdom of the framers of the Constitution, but transcends even their highest expectations. In the history of no people—ancient or modern—has anything been known at all comparable with the progress of the country since that time in the development of its resources, in the addition to its material wealth, in its application of science to works of public utility, in the increase of its population, and in the general contentment and happiness of its people. The predictions of the most enthusiastic as to its growth and prosperity never equaled the stupendous reality.

The Constitution of the United States, which, in ordaining this complex government, has been productive of such vast results, was the outgrowth of institutions and doctrines inherited from our ancestors and applied under the new conditions of our country. A distintinguished English statesman has designated it as the most wonderful product struck off at a given time by the brain and purpose of man ; but this designation is only true as to the character of the instrument. Though it received definite form from the labors of the Convention

of 1787, it was, in its division of governmental powers into three departments, and in its guaranties of private rights, the product of centuries of experience in the government of England. It had its roots deep in the past, as all enduring institutions have. The colonists brought with them the great principles of civil liberty, which had been established there after many a conflict with the Crown, and which were proclaimed in Magna Charta and in the Declaration of Rights. Our country was in this respect the heir of all the ages. Not a blow was struck for liberty in the Old World that did not wake an echo in the forests of the New. Every vantage ground gained there on its behalf was courageously and stubbornly held here. Thus liberty, with all its priceless blessings, passed from country to country, from hemisphere to hemisphere, and from generation to generation. Claiming this inheritance, the Continental Congress, assembled in 1774 to provide measures to resist the encroachments of the British Crown, declared that the inhabitants of the colonies were entitled, "by the immutable laws of nature, the principles of the English Constitution and their several charters, to all the rights, privileges and immunities of free and natural-born subjects within the realm of England." And when a subsequent Congress, in 1776, declared the independence of the colonies, it proclaimed that the rights of man to life, to liberty and to the pursuit of happiness—having then risen to a just appreciation of their true source—were held by him, not as a boon from king or parliament, or as the grant of any charter, but as the endowment of his Creator, and declared also that to secure these rights—not to grant them—governments are instituted among men, deriving their just powers from the consent of the governed. The different communities, which, by the separation from the mother country, had ceased to be colonies and had become States, when framing new constitutions to conform to their new conditions, inserted

guaranties for the protection of these rights, with other provisions required for the government of free commonwealths.

It was foreseen, however, by members of the Continental Congress and by thoughtful patriots throughout the country, that when the independence of the colonies was recognized by the mother country, as sooner or later it must be, they would be at once surrounded by difficulties and dangers, threatening their peace and even their existence as independent communities. It was plain to them that, without some common protecting power, disputes from conflicting interests and rivalries, incident to all neighboring States, would arise between them, which would inevitably lead to armed conflicts and invite the interference of foreign powers, ending in their conquest and subjection; and that all that was gained by the experience of centuries and by the revolution on behalf of the rights of man and free government would be lost.

To provide against these apprehended dangers, a federation or league between the States was proposed as a measure of common defense and protection. Articles of Confederation were accordingly framed and submitted to the legislatures of the States, and finally adopted in 1781.

But, as we all know, these articles provided no mode of carrying into effect the measures of the Confederation, or even the treaties made by it. They established no tribunal to construe its enactments and enforce their provisions. Its power was simply that of recommendation to the States, its framers appearing to have believed that the States had only to know what was necessary, in the judgment of Congress, for the general welfare, to provide adequate means for its accomplishment. A government which could only enforce its enactments upon the approval of thirteen distinct sovereignties necessarily contained within itself the seeds of its dissolution: it could not give the general protection needed. Having no power to exact obedience or to punish for

disobedience to its advisory ordinances, its recommendations were disregarded not only by States but by individuals.

But though the government of the Confederation failed to accomplish the purpose of its creation, its experience was of inestimable value; it made clear to the whole country what was essential in a general government in order to give the needed security and protection, and thus prepared the way for the adoption of the Constitution of the United States. So out of the necessities of the times, to preserve whatever of freedom had been gained in the past,—gained after years of bitter experience, both in the mother country and in our own—and to secure its full fruition in the future, that instrument was framed and adopted. By it the great defects of the Confederation were avoided, and a government created with ample powers to give to the States and to all their inhabitants the needed security—a government taking exclusive charge of our foreign relations, representing the people of all the States in that respect as one nation, with power to declare war, make peace, negotiate treaties and form alliances, and at the same time securing a republican government to each State and freedom of intercourse between the States, equality of privileges and immunities to citizens of each State in the several States, uniformity of commercial regulations, a common currency, a standard of weights and measures, one postal system, and such other matters as concerned all the States and their people.

By the union of the States, which had its origin in the necessities of the war of the Revolution, which was declared in the Articles of Confederation to be perpetual, but which was rendered perfect only under the Constitution, the political body known as the United States was created and took its place in the family of nations. With that union the States became, in their relations to foreign countries and their citizens or subjects, one nation, and their people became one people, with a government designed to

be perpetual. A dissolution of the Union would, indeed, remit the States to their original position of separate communities, and the United States ceasing to be a political body would pass from the family of nations. But such a possibility was never considered by the framers of the Constitution; no provisions are found within it contemplating such a result. As aptly stated by Chief Justice Chase, "the Constitution in all its provisions looks to an indestructible Union composed of indestructible States." Its government was clothed with the means to give effect to all its measures, which none have been able during the century of its existence successfully to resist. In the late civil war its strength was subjected to the severest test. But notwithstanding the immense forces wielded by the Confederate States, the extent of territory they controlled, and the vast numbers which recognized their authority, the government of the Union never for one hour renounced its claim to supreme authority over the whole country, and to the allegiance of every citizen thereof. And when the contest ended—a contest which was the most tremendous and awful civil war known in history,—though made resplendent with unprecedented acts of heroic courage on both sides — the armies of the Confederate States were scattered, and their whole government overthrown. Whilst the fiery courage and martial spirit of their people extorted our admiration,—we are all of the same warrior race,—their attempts to break the Union only disclosed the immovable solidity of its foundations and the massive strength of its superstructure. It was the dash of the tempestuous waves against the eternal rock. And, now, in all its wide domain, in respect to every right secured by the Constitution, no citizen of the Republic is beyond its power or so humble as to be beneath its protection. We can now confidently look forward to the time when the country will embrace hundreds of millions of people, and are justified in believing

that the States will be united then, as now, by kindred sentiments, and common pride in the greatness and the glory of the country. We have an abiding faith that when we shall have surpassed—as we are destined to do—in the vastness of our empire, as in the civilization and wealth of our people, ancient Rome in her greatest days, we shall continue to be, for all national purposes, as now, one nation, one people, one power.

The crowning defect in the government under the Articles of Confederation was the absence of any judicial power; it had no tribunal to expound and enforce its laws.

In no one particular was the difference between that government and the one which superseded it more marked than in its Judicial Department. The Constitution declares not only in what courts the judicial power of the United States shall be vested, but to what subjects it shall extend. It is vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, and it extends not only to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects; but also to all cases in law and equity arising under the Constitution, the laws of the United States and treaties made under their authority. Cases are considered as arising under the Constitution, laws and treaties of the United States, whenever any question respecting that Constitution and those laws or treaties is presented in such form that the judicial power can act upon it—that is to say, when a right or claim is asserted for the maintenance of which a construction of that Con-

stitution, or of a law or a treaty of the United States, is required.

No government is suited to a free people where a judicial department does not exist with power to decide all judicial questions arising upon its constitution and laws.

The Judicial Department established under the Constitution is thus coextensive; it reaches to every judicial question which arises under the Constitution, treaties, and laws of the United States. It has devolved upon it, when such a question arises, beyond the ordinary functions of a judicial department under a single, as distinguished from a dual, government, the duty of determining whether the delegation of powers to Congress on the one hand, or the reservation of powers to the States on the other, is passed by either, and thus of preventing jarring conflicts. And in two particulars it is distinguished from the judicial department of any other country; one, in that it can summon before it the States of the Union, and adjust controversies between them, going even to the extent of determining disputes as to their boundaries, rights of soil and jurisdiction; the other, in that it can determine the validity or invalidity of an act of Congress or of the States, when the validity of either is assailed in litigation before it.

Controversies between different States of the world respecting their boundaries, rights of soil, and jurisdiction have been the fruitful source of irritation between their people, and not unfrequently of bloody conflicts. The history of many of the principalities of Germany in the fifteenth century is a history of desolating wars over disputed boundaries. The license, disorders and crimes usually attendant upon border warfare were the cause of widespread misery, until the establishment under Maximilian of an Imperial chamber for the settlement of such controversies, which brought out of chaos order and tranquility in the German Empire.

Between the States in this country, under the Articles

of Confederation, there were also numerous conflicts as to boundaries and consequent rights of soil and jurisdiction. They existed between Pennsylvania and Virginia; between Massachusetts and New Hampshire; and between Virginia and New Jersey. By the judicial article of the Constitution all such controversies are withdrawn from the arbitrament of war to the arbitrament of law. Thus, for the first time in the history of the world is the spectacle presented of a provision embodied in the fundamental law of a country, that controversies between States—still clothed, for purposes of internal government, with the powers of independent communities—shall be submitted to the peaceful and orderly modes of judicial procedure for settlement — controversies which Lord Chancellor Hardwicke, in the case of *Penn* v. *Lord Baltimore*, said were worthy the judicature of a Roman senate rather than of a single judge.

The practical application of the power of the Supreme Court in this particular has been fruitful of happy results. In 1837, it settled a disputed boundary between Rhode Island and Massachusetts; in 1849, it brought to an adjustment the disputed line between Missouri and Iowa; and, in 1870, it settled the controversy between Virginia and West Virginia as to jurisdiction over two counties within the asserted boundaries of the latter. Certainly no provision of the Constitution can be mentioned, more honorable to the country or more expressive of its Christian civilization, than the one which provides that controversies of this character shall be thus peacefully settled. In determining them, the court is surrounded by no imperial guard; by no bands of janissaries; it has with it only the moral judgment and the invisible power of the people. Should the necessity arise, that invisible power would soon develop into a visible and irresistible force.

The power of the court to pass upon the conformity with the Constitution of an act of Congress, or of a

State, and thus to declare its validity or invalidity, or limit its application, follows from the nature of the Constitution itself, as the supreme law of the land,—the separation of the three departments of government into legislative, executive and judicial,—the order of the Constitution,—each independent in its sphere, and the specific restraints upon the exercise of legislative powers contained in that instrument. In all other countries, except perhaps Canada under the government of the Dominion, the judgment of the legislature as to the compatibility of a law passed by it with the constitution of the country has been considered as superior to the judgment of the courts. But under the Constitution of the United States, the Supreme Court is independent of other departments in all judicial matters, and the compatibility between the Constitution and a statute, whether of Congress or of a State, is a judicial and not a political question, and therefore is to be determined by the court whenever a litigant asserts a right or claim under the disputed act for judicial decision.

This power of that court is sometimes characterized by foreign writers and jurists as a unique provision of a disturbing and dangerous character, tending to defeat the popular will as expressed by the legislature. In thus characterizing it they look at the power as one that may be exercised by way of supervision over the general legislation of Congress, determining the validity of an enactment in advance of its being contested. But a declaration of the unconstitutionality of an act of Congress or of the States cannot be made in that way by the Judicial Department. The unconstitutionality of an act cannot be pronounced except as required for the determination of contested litigation. No such authority as supposed would be tolerated in this country. It would make the Supreme Court a third house of Congress, and its conclusions would be subject to all the infirmities of general legislation.

The limitations upon legislative power, arising from the nature of the Constitution and its specific restraints in favor of private rights, cannot be disregarded without conceding that the legislature can change at will the form of our government from one of limited to one of unlimited powers. Whenever, therefore, any court, called upon to construe an enactment of Congress or of a State, the validity of which is assailed, finds its provisions inconsistent with the Constitution, it must give effect to the latter, because it is the fundamental law of the whole people, and, as such, superior to any law of Congress or any law of a State. Otherwise the limitations upon legislative power expressed in the Constitution or implied by it must be considered as vain attempts to control a power which is in its nature uncontrollable.

This unique power, as it is termed, is therefore not only not a disturbing or dangerous force, but is a necessary consequence of our form of government. Its exercise is necessary to keep the administration of the government, both of the United States and of the States, in all their branches, within the limits assigned to them by the Constitution of the United States, and thus secure justice to the people against the unrestrained legislative will of either—the reign of law against the sway of arbitrary power.

As to the decisions of the Supreme Court respecting the constitutionality of acts of Congress or of the States, they have, as a general rule, been recognized as furthering the great purposes of the Constitution;—as where, in *Gibbons* v. *Ogden*, the court declared the freedom of the navigable waters of New York to all vessels, against a claim of an exclusive right to navigate them by steam vessels under a grant of the State to particular individuals;—or where, as in *Dartmouth College* v. *Woodward*, the court enforced the prohibition of the Constitution against the impairment by the legislation of a State of the obligation of a contract, declaring void an act of

New Hampshire which altered the charter of the college in essential particulars, and holding that the charter granted to the trustees of the college was a contract within the meaning of the Constitution and protected by it; and that the college was a private charitable institution not under the control of the legislature;—or where, as in *Brown* v. *Maryland*, the court declared that commerce with foreign nations could not, under a law of the State, be burdened with a tax upon goods imported, before they were broken in bulk, though the tax was imposed in the form of a license to sell;—or where, as in *Weston* v. *Charleston*, the court declared that the bonds and securities of the United States could not be subjected to taxation by the States, and thus the credit of the United States impaired;—or where, as in *McCulloch* v. *Maryland* and *Osborn* v. *Bank of the United States*, the court denied the authority of the States, by taxation or otherwise, to impede, burden, or in any manner control the means or measures adopted by the government for the execution of its powers;—or where, as in *Hall* v. *De Cuir; The Wabash Railway Co.* v. *Illinois; The Philadelphia and Southern Steamship Co.* v. *Pennsylvania*, and other cases determined in the last quarter of a century, the court has removed barriers to interstate and foreign commerce interposed by State legislation.

And so in the great majority of cases in which the validity of an act of Congress or of a State has been called in question, its decisions have been in the same direction, to uphold and carry out the provisions of the Constitution. In some instances the court, in the exercise of its powers in this respect, may have made mistakes. The judges would be more than human if this were not so. They have never claimed infallibility; they have often differed among themselves. All they have ever asserted is, that they have striven to the utmost of their abilities to be right, and to perform the functions with which they are clothed, to the advancement of justice and the good of the country.

In respect to their liability to err in their conclusions this may be said—that in addition to the desire which must be ascribed to them to be just—the conditions under which they perform their duties, the publicity of their proceedings, the discussions before them, and the public attention which is drawn to all decisions of general interest, tend to prevent any grave departure from the purposes of the Constitution. And, further, there is this corrective of error in every such departure; it will not fit harmoniously with other rulings; it will collide with them, and thus compel explanations and qualifications until the error is eliminated. Like all other error it is bound to die; truth alone is immortal, and in the end will assert its rightful supremacy.

And now, with its history in the century past, what is needed, that the Supreme Court of the United States should sustain its character and be as useful in the century to come? I answer, as a matter of the first consideration,—that it should not be overborne with work, and by that I mean it should have some relief from the immense burden now cast upon it. This can only be done by legislative action, and in determining what measures shall be adopted for that purpose Congress will undoubtedly receive with favor suggestions from the Bar Associations of the country. The Justices already do all in their power, for each one examines every case and passes his individual judgment upon it. No case in the Supreme Court is ever referred to any one Justice, or to several of the Justices, to decide and report to the others. Every suitor, however humble, is entitled to and receives the judgment of every Justice upon his case.

In considering this matter it must be borne in mind that, in addition to the great increase in the number of admiralty and maritime cases, from the enlarged commerce on the seas, and on the navigable waters of the United States, and in the number of patent cases from the multitude of inventions brought forth by the genius

of our people, calling for judicial determination, even to the extent of occupying a large portion of the time of the court, many causes, which did not exist upon its organization or during the first quarter of the century, have added enormously to its business. Thus by the new agencies of steam and electricity in the movement of machinery and transmission of intelligence, creating railways and steamboats, telegraphs and telephones, and adding almost without number to establishments for the manufacture of fabrics, transactions are carried on to an infinitely greater extent than before between different States, leading to innumerable controversies between their citizens, which have found their way to that tribunal for decision. More than one-half of the business before it for years has arisen from such controversies.

The facility with which corporations can now be formed has also increased its business far beyond what it was in the early part of the century. Nearly all enterprises requiring for their successful prosecution large investment of capital are conducted by corporations. They, in fact, embrace every branch of industry, and the wealth that they hold in the United States equals in value four-fifths of the entire property of the country. They carry on business with the citizens of every State as well as with foreign nations, and the litigation arising out of their transactions is enormous, giving rise to every possible question to which the jurisdiction of the Federal courts extends.

The numerous grants of the public domain, embracing hundreds of millions of acres, in aid of the construction of railways; also for common schools, for public buildings and institutions of learning; have produced a great variety of questions of much intricacy and difficulty. The discovery of mines of the precious metals, in our new possessions on the Pacific Coast, and the modes adopted for their development, have added many more. The legislation required by the exigencies of

the civil war, and following it, and the constitutional amendments which were designed to give farther security to personal rights, have brought before the court questions of the greatest interest and importance, calling for the most earnest and laborious consideration. Indeed, the cases which have come before this court, springing from causes which did not exist during the first quarter of the century, exceed, in the magnitude of the property interests involved, and in the importance of the public questions presented, all cases brought within the same period before any court of Christendom.

Whilst the constitutional amendments have not changed the structure of our dual form of government, but are additions to the previous amendments, and are to be considered in connection with them and the original Constitution as one instrument, they have removed from existence an institution which was felt by wise statesmen to be inconsistent with the great declarations of right upon which our government is founded; and they have vastly enlarged the subjects of Federal jurisdiction. The amendment declaring that neither slavery nor involuntary servitude, except as a punishment for crime, shall exist in the United States or any place subject to their jurisdiction, not only has done away with the slavery of the black man, as it then existed, but interdicts forever the slavery of any man, and not only slavery, but involuntary servitude—that is, serfage, vassalage, villeinage, peonage, and all other forms of compulsory service for the mere benefit or pleasure of others. As has often been said, it was intended to make every one born in this country a free man and to give him a right to pursue the ordinary vocations of life without other restraint than such as affects all others, and to enjoy equally with them the fruits of his labor. The right to labor as he may think proper without injury to others is an element of that freedom which is his birthright.

The amendment, declaring that no State shall make

or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws, has proclaimed that equality before the law shall forever be the governing rule of all the States of the Union which every person however humble may invoke for his protection. In enforcing these provisions, or considering the laws adopted for their enforcement, or laws which are supposed to be in conflict with them, difficult and far-reaching questions are presented at every term for decision.

Up to the middle of the present century the calendar of the court did not average 140 cases a term, and never amounted at any one term to 300 cases; the calendar of the present term exceeds 1,500. In view of the condition of the court,—its crowded docket—the multitude of questions constantly brought before it of the greatest and most extended influence—surely it has a right to call upon the country to give it assistance and relief. Something must be done in that direction and should be done speedily to prevent the delays to suitors now existing. To delay justice is as pernicious as to deny it. One of the most precious articles of Magna Charta was that in which the King declared that he would not deny nor *delay* to any man justice or right. And assuredly what the barons of England wrung from their monarch, the people of the United States will not refuse to any suitor for justice in their tribunals.

Furthermore, I hardly need say, that, to retain the respect and confidence conceded in the past, the court, whilst cautiously abstaining from assuming powers granted by the Constitution to other departments of the government, must unhesitatingly and to the best of its ability enforce, as heretofore, not only all the limitations of the Constitution upon the federal and state governments, but also all the guarantees it contains of

the private rights of the citizen, both of person and of property. As population and wealth increase—as the inequalities in the conditions of men become more and more marked and disturbing—as the enormous aggregation of wealth possessed by some corporations excites uneasiness lest their power should become dominating in the legislation of the country, and thus encroach upon the rights or crush out the business of individuals of small means—as population in some quarters presses upon the means of subsistence, and angry menaces against order find vent in loud denunciations—it becomes more and more the imperative duty of the court to enforce with a firm hand every guarantee of the Constitution. Every decision weakening their restraining power is a blow to the peace of society and to its progress and improvement. It should never be forgotten that protection to property and to persons cannot be separated. Where property is insecure, the rights of persons are unsafe. Protection to the one goes with protection to the other; and there can be neither prosperity nor progress where either is uncertain.

That the Justices of the Supreme Court must possess the ability and learning required by the duties of their office, and a character for purity and integrity beyond reproach, need not be said. But it is not sufficient for the performance of his judicial duty that a judge should act honestly in all that he does. He must be ready to act in all cases presented for his judicial determination with absolute fearlessness. Timidity, hesitation and cowardice in any public officer excite and deserve only contempt, but infinitely more in a judge than in any other, because he is appointed to discharge a public trust of the most sacred character. To decide against his conviction of the law or judgment as to the evidence, whether moved by prejudice or passion, or the clamor of the crowd, is to assent to a robbery as infamous in morals and as deserving of punishment as that of the highwayman or the burglar; and to hesitate

or refuse to act when duty calls is hardly less the subject of just reproach. If he is influenced by apprehensions that his character will be attacked, or his motives impugned, or that his judgment will be attributed to the influence of particular classes, cliques or associations, rather than to his own convictions of the law, he will fail lamentably in his high office.

To the intelligent and learned Bar of the country the judges must look for their most effective and substantial support. Its members appreciate more than any other class the difficulties and labors and responsibilities of the judicial office; and whilst the most severe and unsparing of critics, they are in the end the most just in their judgments. If they entertain for the judges respect and confidence; if they accord to them learning, integrity and courage; the general public will not be slow in accepting their appreciation as the true estimate of the judges' character. Sustained by this professional and public confidence, the Supreme Court may hope to still further strengthen the hearts of all in love, admiration and reverence for the Constitution of the United States, the noblest inheritance ever possessed by a free people.

ADDRESS OF MR. JUSTICE HARLAN,

At the Banquet in the evening, to the toast, "The Supreme Court of the United States."

MR. PRESIDENT:

The toast you have read suggests many reflections of interest. But when an attempt is made to give shape to them, in my own mind, the fact confronts me that every line of thought most appropriate to this occasion has been covered by addresses delivered, in another place, by distinguished members of the Bar, and by an eminent jurist responding on behalf of the Supreme Court of the United States. They have left nothing to be added respecting the organization, the history, the personnel, or the jurisdiction of that tribunal. It is well that those addresses are to be preserved in permanent form for the delight and instruction of all that are to come after us; especially those who, as judges and lawyers, will be connected with the administration of justice. I name the lawyers with the bench, because upon them, equally with the judges, rests the responsibility for an intelligent determination of causes in the courts, whether relating to public or to private rights. As the bench is recruited from the Bar, it must always be that as are the lawyers in any given period, so, in the main, are the courts before which they appear. Upon the integrity, learning and courage of the Bar largely depends the welfare of the country of which they are citizens; for, of all members of society,

the lawyers are best qualified by education and training to devise the methods necessary to protect the rights of the people against the aggressions of power. But they are, also, in the best sense, ministers of justice. It is not true, as a famous lawyer once said, that an advocate, in the discharge of his duty, must know only his client. He owes a duty to the court of which he is an officer, and to the community of which he is a member. Above all, he owes a duty to his own conscience. He misconceives his high calling if he fails to recognize the fact that fidelity to the court is not inconsistent with truth and honor, or with a fearless discharge of duty to his client. It need scarcely be said in this presence that the American Bar have met all the demands that the most scrupulous integrity has exacted from gentlemen in their position.

In the addresses to-day much was said of the Supreme Court of the United States that was gratifying as well to those now members of that tribunal as to all who take pride in its history. But, Mr. President, whatever of honor has come to that court for the manner in which it has discharged the momentous trust committed to it by the Constitution must be shared by the Bar of America. "Justice, sir," (I use the words of Daniel Webster,) "is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself, in name and fame and character, with that which is and must be as durable as the frame of human society." The Temple of Justice which has been reared in this fair land is largely the work of our lawyers.

If there be security for life, liberty and property, it is because the lawyers of America have not been unmindful of their obligations as ministers of justice. Search the history of every State in the Union, and it will be found that they have been foremost in all movements having for their object the maintenance of the law against violence and anarchy; the preservation of the just rights both of the government and of the people.

I read recently a brief speech by Mr. Gladstone, at a banquet given many years ago in honor of the great French advocate, Berryer. He had visited the south of Europe, and witnessed there much cruel oppression of the people. The executive power, he said, not only had broken the law, but had established in its place a system of arbitrary will. He found, to use his own words, that the audacity of tyranny, which had put down chambers and municipalities and extinguished the press, had not been able to do one thing—to silence the Bar. He, himself, heard lawyers in courts of justice, undismayed by the presence of soldiers, and in defiance of despotic power, defend the cause of the accused with a fearlessness that could not have been surpassed. He was moved, on that occasion, to say of the English Bar, what may be truly said of the American Bar, that its members are inseparable from our national life—from the security of our national institutions.

It has been said of some of the judgments of the Supreme Court of the United States that they are not excelled by any ever delivered in the judicial tribunals of any country. Candor, however, requires the concession that their preparation was preceded by arguments at its bar of which may be said, what Mr. Justice Buller observed of certain judgments of Lord Mansfield, that they were of such transcendent power that those who heard them were lost in admiration "at the strength and stretch of the human understanding."

Mr. President, I am unwilling to pass from this subject

without saying what it is but just to say, that the bar of this imperial State has furnished its quota, aye, more than its quota, to the army of great lawyers and advocates, who, by their learning, eloquence and labors, have aided the courts of the Union, as well as those of the States, in placing our constitutional system upon foundations which, it is hoped, are to endure for ages. Not to speak of the living, and not to name all the dead who have done honor to the legal profession in this State, I may mention Alexander Hamilton, "formed for all parts, in all alike he shined, variously great;" William H. Seward, John C. Spencer, Thomas Addis Emmet, John Wells, George Wood, Joshua A. Spencer, Benjamin F. Butler, Daniel Lord, John Duer, James T. Brady, Ogden Hoffman, Charles O'Conor and Roscoe Conkling. Gentleman of the bar of New York, you have in these and other great names upon the roll of lawyers and advocates given to the country by your State, an inheritance beyond all price.

But, sir, while the Supreme Court of the United States is indebted to the Bar of the country for its invaluable aid in the administration of justice, it is still more indebted to the highest courts of the several States, and to the Circuit and District Courts of the Union. Many distinguished members of those courts—judges whose learning and integrity is everywhere recognized—have honored this occasion by their presence. But it is a most felicitous circumstance that we have with us the full bench of the New York Court of Appeals, of whose Bar we are guests upon this occasion. Who can adequately estimate, who can overstate, the influence for good upon American jurisprudence which has been exerted by the learned judgments delivered by those who have graced the bench of this proud State? Kent, Livingston, Thompson, Spencer, Jones, Nelson, Oakley, Savage, Walworth, Marcy, Bronson, Denio and Selden, not to mention others, will be remembered as long as

the science of law has votaries. If what they wrote were obliterated altogether from our judicial history, a void would be left in American jurisprudence that could not be filled. Indeed, the history of American law could not well be written without referring to the judgments and writings of those eminent jurists.

And here it is appropriate to say that the duty of expounding the Constitution of the United States has not devolved alone upon the courts of the Union. From the organization of our government to the present time, that duty has been shared by the courts of the States. Congress has taken care to provide that the original jurisdiction of the courts of the Union of suits at law and in equity arising under the Constitution and laws of the United States, or under treaties with foreign countries, shall be concurrent with that of the courts of the several States. This feature of our judicial system has had much to do with creating and perpetuating the feeling that the government of the United States is not a foreign government, but a government of the people of all the States, ordained by them to accomplish objects pertaining to the whole country, which could not be efficiently achieved by any government except one deriving its authority from all the people.

As we stand to-night in this commercial metropolis, where the government created by the Constitution was organized, and where the supreme judicial tribunal of the Union held its first session, it is pleasant to remember that all along its pathway that court has had the cordial co-operation and support of the highest court of this the most powerful of all the States. The Supreme Court of the United States, and the highest court of New York, have not always reached the same conclusions upon questions of general law, nor have they always agreed as to the interpretation of the Constitution of the United States. But, despite these differences, expressed with due regard to the dignity and authority of each tribunal, they have

stood together in maintaining these vital principles enunciated by the Supreme Court of the United States:

That while the preservation of the States, with authority to deal with matters not committed to national control, is fundamental in the American constitutional system, the Union cannot exist without a government for the whole;

That the Constitution of the United States was made for the whole people of the Union, and is equally binding upon all the courts and all the citizens;

That the general government, though limited as to its objects, is yet supreme with respect to those objects, is the government of all, its powers are delegated by all, it represents all, and acts for all; and,

That America has chosen to be, in many respects and to many purposes, a nation, and for all these purposes her government is complete, to all these objects it is competent.

Mr. President, a few words more. The members of the Supreme Court of the United States will return to their post of duty, with grateful thanks for the opportunity given them to participate in these Centennial exercises. It has been good for us to be here. You have given us, gentlemen, renewed reason to think that the court of which we are members is regarded with affection and confidence by the Bar of the country, and that as long as it shall be equal to the tremendous responsibilities imposed upon it, that affection and confidence will not be withdrawn.

We have met here to celebrate the organization of that court, in this city, one hundred years ago—a tribunal fitly declared to be the living voice of the Constitution. Within that period the progress of the nation in all that involves the material prosperity and the moral elevation of the people, has exceeded the most sanguine expectations of those who laid the foundations of our government. But its progress in the knowledge of the principles upon which that government rests, and must

continue to rest, if it is to accomplish the beneficent ends for which it was created, is not less marvellous. It was once thought by statesmen whose patriotism is not to be doubted, that the power committed to the courts of the Union, especially to the Supreme Court of the United States, would ultimately destroy the independence, within their respective spheres, of the co-ordinate departments of the national government, and even endanger the existence and authority of the State governments. But the experience of a century, full of startling political and social changes, has shown not only that those apprehensions were groundless, but that the Father of our Country was right when he declared, in a letter to the first Chief Justice of the United States, that the judicial department was the keystone of our political fabric. Time has grandly vindicated that declaration. All now admit that the fathers did not err when they made provision, in the fundamental law, for "one Supreme Court," with authority to determine, for the whole country, the true meaning and scope of that law. The American people, after the lapse of a century, have a firm conviction that the elimination of that court from our constitutional system would be the destruction of the government itself, upon which depends the success of the experiment of free institutions resting upon the consent of the governed. That those institutions, which have answered "the true ends of government beyond all precedent in human history," may be preserved in their integrity; that our country may, under all circumstances, be an object of supreme affection by those enjoying the blessings of our republican government; and that the court whose organization you have assembled to commemorate may, in its membership as well in its judgments, always meet the just expectations of the people, is the earnest wish of those to whom you have, on this occasion, done so much honor.

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ANNUAL ADDRESS

BEFORE THE

San Francisco Medical Society,

DELIVERED DECEMBER 21ST, 1874,

By HENRY GIBBONS, M. D.

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MODERN SPIRITISM:

ANNUAL ADDRESS BEFORE THE SAN FRANCISCO MEDICAL SOCIETY.

By HENRY GIBBONS, M. D.

At the commencement of the eighth year of our existence as a society, we are entitled to felicitate ourselves on the complete success of our organization. With nearly one hundred members—a larger number than ever before belonged to a local medical society in California, and a larger number than the aggregate of all the other societies in the State—with one thousand dollars in the treasury as the nucleus of a building fund, and an annual income of more than five hundred dollars clear of expenses—with meetings entirely undisturbed by personal difficulties, but forming a school of medical science for the reading of papers, the discussion of topics, and the exhibition of a constant supply of rich pathological specimens—our society has become to its members a benefactor whose power and influence, increasing as the years roll on, are essential to their advancement and success in the profession.

Within a few years past there has been much enquiry into the effects of various occupations on health. With great attention and industry, many causes of suffering and disease

not appreciated or suspected in former times, have been brought to light. Drains and sewers, dwellings and school rooms, sewing machines and wall papers, have been scrutinized with microscopic acumen to detect hidden seeds of evil. And the whole world has appreciated and applauded the effort thus made to guard the human family from influences of a thousand kinds, supposed to affect injuriously the physical structure and the intellectual development of men, women and children.

I propose to make a few observations on the present occasion, in reference to a pursuit which is operating extensively on the bodies and minds of individuals in America and in Europe, and which can not be ignored in the contemplation of hygienic influences. I allude to what is called "Spiritualism," and which I prefer to call *Spiritism*, and I shall enquire whether the practices connected with this subject are not inimical to the bodily and mental organization.

In the first place, look at what is called a "seance." A number of individuals sit around a table, with their hands resting on it. They expect or desire to witness some extraordinary phenomenon, having relation to departed friends. Their minds are solemnized by the nature of the occasion, and indeed the direction of their thoughts towards another world is considered essential in some degree to the success of the experiment. In this state of anticipation and suspense they sit for an hour—sometimes for two hours or even longer. It is evening—it is night—it is midnight. It is the hour when nature calls for sleep. There they sit, transfixed almost as statues, in solemn silence, in breathless expectation, in anxious anticipation, the reason in abeyance and the imagination wrought up to the highest pitch of excitement. Will any sane man or woman assert that all this is compatible with the normal and healthful action of the brain and nervous system?

Suppose the expectations are realized. The rappings commence, or the table begins to move; it dances over the floor, or it rises in mid-air. Its sounds and movements are intelli-

gent, and they are interpreted into messages from departed spirits. Other phenomena in great variety and still more unusual and astonishing, transpire. What effect has all this on the brain and nerves of the performers and witnesses?

And then comes the repetition of it. No one who has witnessed all this, and who has faith in it, will fail to follow it up. Night after night, the body and mind are subjected to the same excitement and strain. The subject is ever present in thought, and is the theme of constant conversation. Before the brain has recovered from the impression made by one seance, there comes another. Nervous and susceptible persons must soon feel and show the noxious influence. Those of cold and phlegmatic disposition may not exhibit the consequences, but this does not prove that no hidden evil results.

I do not assert that all the disciples of Spiritism are subjected to the ordeal as described. But that processes equivalent to them are generally practised will not be denied. Nor is it essential to my purpose to deny the truth of the alleged phenomena. It is better for my argument to admit the validity of the statements made by Spiritists. If all they claim be true, their practices are the more deleterious to health.

Mesmerism and clairvoyance are analagous in practice to Spiritism. Individuals have had their health seriously impaired by being frequently subjected to the mesmeric sleep. The case of a young lady is before me, who was very sensitive in this respect, and who was the subject of repeated experiments in a circle of friends. The effect on her health was so manifestly injurious as to be apparent to every one; and though she desisted entirely from the practice, she died in a few months from pulmonary consumption, the development of which was undoubtedly hastened by the somnambulic exercises.

Another case presents to my mind—that of a young lady who had been repeatedly thrown into the somnambulic condition, and who at length would sometimes pass into that condition involuntarily and without outside agency. I have seen this lady fall into the sleep merely from looking

at two individuals, one of whom was trying to mesmerize the other. She told me that she had once been overcome in the same way whilst walking in the street in Schenectady, in spite of her utmost resistance, and that she discovered afterwards that the fit had been produced by a gentleman in Troy, fifteen miles distant, who at that moment had *willed* that she should fall asleep. This lady was perfectly honest in her belief. She possessed an art which is highly developed among Spiritists—the art of believing. Will any one pretend that the brains of such individuals are in a normal condition?

Writers on hygiene declaim in severe language against the overtasking of children at school, and the excessive labor of literary and professional men. By common consent the brains of children are acknowledged to suffer from the practice, and we are warned almost daily of the ill effects of overwork on the brain by the sudden deaths of eminent men in the meridian of life. And what is the stress on the brain in either of these cases, compared with that to which it is subjected by the exercises of Spiritism as described?

It should also be noted that persons who engage in the practices referred to, as a class, make great account of the dictates of reason and the laws of nature. They would be regarded as philosophers, and to some extent, reformers. Their condemnation must be in proportion to their profession.

The argument against Spiritism may be fortified by referring to the extreme credulousness which it engenders and which indicates anything but a healthy tone of mind. When Mesmer aimed to make proselytes, he was careful to direct his neophytes to avoid reflecting on the wonderful and incredible nature of the results. He taught them to lay aside their reason and confine themselves to experimentation. Cutting loose from the anchorage of reason, and drifting away at the mercy of imagination and of undisciplined sensations and perceptions, little by little the mind forgets its reckoning and is finally lost in the mists of credulity. There is nothing too absurd for belief under these circumstances.

Rushing from one extreme to the other, in accordance with the well-known law, those who once believed the least now believe the most. Take, for instance, the case of Robert Dale Owen, who devoted the early part of his life to a zealous warfare against what he deemed the incredible and the absurd, and who is now spending his last days in a still more zealous warfare *for* the very same beliefs, with accompaniments a hundred-fold more absurd than the "superstitions" against which he formerly contended.

Not very different was the experience of the late Professor Hare, of the University of Pennsylvania. Accustomed through a long life to developing and dealing with the practical and demonstrable results of chemistry, and believing only what was palpably revealed to the senses, he engaged in his advancing years in a studied investigation of the claims of Spiritism, with the design of refuting them. Becoming absorbed in the pursuit, he soon began to observe extraordinary phenomena; and little by little was drawn into the vortex of unlimited credulity, until his reason was stolen away and his intellect wrecked. A similar case occurred in this city some years ago, in which a man of intelligence and mental activity and saturated with German unbelief, launched into the exercises of Spiritism, swallowed all its monstrosities and ended his career in an insane asylum.

If a certain gymnastic sport or form of exercise were found to do injury to the bodies, even of a small proportion of those indulging in it, sentence of condemnation would be passed upon it without delay. That the majority of persons are benefited by it, would not prevent its prohibition. Why should not the same rule be applied to the mental exercises in question?

But, it is argued, there should be no limit set to the boundaries of science; the truth should be investigated at all hazards. To this it may be answered that science courts the light and avails itself of all means of enquiry. Spiritism, however, loves darkness rather than light and covers its asserted phenomena with a veil of privacy. So far from en-

larging the boundaries of true science, it is in direct conflict with the established laws of matter, and promotive of credulity and superstition. All its modern revelations amount to little more than a rehash of the ancient annals of witchcraft. No new truth in geography, astronomy or physical science has it brought to light. Even should it claim to do so, how are we to determine the credibility of the claim, when, by universal acknowledgment, honest spirits and lying spirits testify indiscriminately, so that the only proof of the truth of any of the revelations, is a knowledge of the fact possessed by a living witness. That is to say, all the information furnished from the invisible world, which is not already known, is as likely to be false as true. Is not the application of the term *science* to such pursuits a gross prostitution?

The pursuit of real knowledge in certain directions may cost more than the knowledge is worth when acquired. The polar explorations are of this character. All the scientific truths hitherto collected by the Arctic expeditions are but a poor equivalent for the suffering and loss of life involved. Even should our present knowledge be extended by circumpolar discoveries and the demonstration of a North-West passage, it is questionable whether that consummation will ever be worth as much to the world as the life of Sir John Franklin. And yet the plea for persistent effort and sacrifice in that direction has vastly more force than the argument in behalf of the pursuit of Spiritism for scientific purposes. Those dismal and dreary regions have been made to yield many facts in physical science. Besides, they are not peopled with the lying spirits which infest what might be called the Arctic regions of psychology.

Perhaps it will be urged that the pursuits in question have eliminated some useful results. They have enlarged the sphere of our knowledge in regard to the capacities and susceptibilities of the human mind. They have taught us an important lesson on the deceivableness of the senses and the

fallibility of their testimony. They have shown us to what an extent the tension of mind and the strain of imagination may disorder the brain and undermine the reason. Having at great cost learned this much, it might be well to stop and abandon the field, at least until we extend the accommodations for the insane.

The tendency of these pursuits to disorder the intellect is not to be tested by the records of insane asylums, or measured by the actual number of cases of insanity known or reputed to have so originated. There is no distinct line to separate sanity from insanity. Between the two is a wide range of neutral territory, occupied by individuals who exhibit peculiar traits of character, which to-day pass for eccentricities, but in the future may prove to have been the incipient developments of mental disease. All persons are not capable of insanity. It is probable that the larger proportion of mankind are so organized that none of the exciting causes of the malady could produce it in them. And there are many who live with reason undisturbed, only because those exciting causes were fortunately absent or wanting in force.

I will not say that all such would find in the belief and the pursuits of Spiritism a cause sufficient to lead their minds out of the domain of right reason ; but I will venture the statement that no other one cause is capable of doing so much mischief in that direction. I never meet with an ardent believer in Spiritism, and listen to his eloquent story, and read in his countenance the disgust excited by my incredulity when I decline to believe some wonderful account that he has read in the newspapers, without a suspicion that the ichneumon's egg is hatching in his brain.

Extreme credulity is not only a shadow of the coming trouble, but a cause. When one suddenly comes to believe what he has previously, during a course of years, disbelieved or treated with ridicule, the change is revolutionary and transfers the mind into a new climate. Thus may credulity become the starting point in the lapse from sanity to insanity. It requires but a trifling matter to switch off the mind from

the right line ; and the divergence, scarcely perceptible at first, soon carries it out of sight of the original track. Spiritism is a busy mischief-maker, always watching an opportunity to misplace the switches on the rail-road of life.

The course of argument which Spiritists adopt—and they are excessively fond of argument—is always the same. They begin with a statement of asserted facts—extraordinary phenomena which can only be explained on their own theory. They have witnessed these phenomena, or some distinguished individual, doctor or professor, in America or Europe, has witnessed them ; and if you doubt such excellent authority, you are a bigot or a fool. You are required, not only to believe the statement, but to explain it away, or otherwise accept the theory.

We have lately had a very striking and a very useful lesson on this subject, in the Katie King exhibitions. These were perhaps the most extraordinary phenomena ever yet asserted, involving not only the materialization of departed spirits, but the actual creation of matter. Patches were torn out of garments and their places supplied with new cloth by the touch merely of the spirit hand. This and other statements equally marvelous, were declared on the authority of a number of eminent scientists. It was impossible that they could be mistaken. They were known to the world as men of truth, and to doubt their testimony was to stultify one's self.

And yet they *were* mistaken. They now announce that they were the victims of imposition. These scientific observers —sharp-sighted men, who subjected the extraordinary demonstrations to all sorts of tests, and who could not, by any possibility be deceived ; whose disciples took offense at any one who dared to doubt their infallibility ;—they were the dupes of a girl's legerdermain. Others have been duped in like manner. Not only have departed spirits shown a strong inclination to tell lies, but living spirits have been repeatedly detected in the same unseemly practice.

To claim for the pursuits and practices of Spiritists the character of a science, is not only unreasonable but absurd.

Science has fixed laws. It is common property. It is demonstrable to all. Electricity, galvanism, magnetism, subtle and mysterious as are their movements, can be made palpable in their phenomena to all the world. When the electrician in Europe makes a discovery and announces it, we can verify and repeat it here. And so of all chemical, physiological and scientific processes and discoveries. Concealment, darkness and mystery do not appertain to science. Science works by day rather than at midnight. She courts the light of the sun, not the darkness of the secret chamber. She has no favorites for whom exclusively to perform her wondrous processes. She gives herself alike to all mankind. She sets her light on a hill, and hides it not under a bushel or in a "cabinet."

But there has always been evinced by the human mind a tendency to prostitute science to speculative purposes, and to give it to the control of the imagination. Study and labor exact investigation and experimentation, are less attractive to the common mind than the ideal and speculative. Thus astronomy was formerly lost in astrology, when men left the study of the material world to ramble in the world of imagination. So chemistry was merged into alchemy, and philosophers so called spent their lives in the search for the Philosopher's Stone and the Elixir of Life.

Spiritism bears the same relation to Physiology and Psychology. It is Physiology sleep walking, or run mad.

An objection to Spiritism is the trickery incident to it, as cause or effect, or both. Its whole history is full of fraud and imposture. Again and again have its wonderful manifestations flashed forth and dazzled the world for a season, and procured the endorsement of great names. And then the hand of a juggler appears, and the curtain falls for a time.

There is also something repulsive in the venality which it seems to engender. Its theme is lofty beyond utterance. It deals with immortality and eternal life. Its interests are those of the undying soul. It cherishes companionship with

the departed spirits of the beloved of our hearts. Of all human pursuits, it is the most solemn and sublime in its professions and associations. And yet, whilst every other moral and religious concern has its missionaries who labor without hire, the apostles of Spiritism exhibit a venality about in proportion to the richness of their divine endowment. What a farce do they present in their public announcements! A medium of extraordinary power will give a seance at which will appear the spirits of the martyred Lincoln, the immortal Washington, Socrates the philosopher, and other benefactors of mankind.—Admission ten cents!

It is very convenient for one who has gulped down volumes of fiction and legerdemaiu scarcely sugar-coated with truth, to fling in the face of those more slow of belief the imputation of prejudice and bigotry. The discoveries of Harvey and of Jenner were ignored by professional men; Lardner asserted that it was impossible to navigate the Atlantic by steam; Galileo was punished because he promulgated the great facts of astronomy, and so forth. Therefore the wildest speculations and projects are worthy of serious consideratiou, and he who refuses to accept them is a fool.

Now I have not come to my opinions in regard to Spiritism and kindred subjects without some inquiry. From my boyhood I had a fancy for the curious in science and art, and a disposition to investigate such matters as ventriloquism, fortune-telling, legerdemain and clairvoyance. My first important experience with the latter was at a series of exhibitions given by a traveling company of mesmerisers, who requested the audience to select a committee to inspect their operations and to prevent or detect any collusion. I was appointed on that committee, with my own hearty approval; for it was just the opportunity I sought. The experiments were openly conducted on the platform of the lecture room. There was no cabinet, no curtains, no darkness. The eyes of the committee-men were everywhere, and the result showed the disadvantage of such an arrangement. When the clairvoyant was called on to communicate to the

audience through the senses of the performer and tell what the latter was looking at, failure rather than success was the rule. The master of ceremonies confessed the failure and attributed it to the heated and humid atmosphere of the crowded lecture-room. Another exhibition was appointed for the next evening.

I had observed that when the speaker called for an object to be exhibited, it was of necessity a hat, cap, cane, watch, or some other particular object such as people always carry about them. This led me to bring in my pockets to the second trial a variety of things not commonly found in a lecture-room—for instance a hat-brush, a sand-box, a razor-strap, and so forth. At the proper time these objects were produced by persons to whom I had distributed them, with the effect of balking the performance and making the second exhibition a more decided failure even than the first. There was one exception however, and that was in the case of the sand-box. This the mesmerizer took in his hand and shook it sharply over the head of "Frederic," whilst questioning him repeatedly as to what it was, and finally turned it so that the sand should run out and fall on Frederic's neck. At this moment I said in a whisper—"you are spilling my sand!"—when Frederic instantly responded—"a sand-box!" The audience applauded vehemently, and then called for the committee to report on the experiment, whereupon I mentioned the whisper, reminding them however that, according to the law propounded by mesmerists, it was impossible for Frederic, whilst in the mesmeric or clairvoyant state, to hear any voice except that of the individual who had mesmerized him.

At the close of the second entertainment the performer again acknowledged the failure, and on this occasion attributed it to a magnet which some mischievous person must have brought into the room; for such would be the effect, he said. But he would give a third exhibition and have a new committee from which doctors should be excluded; for doctors were always too conceited and too bigoted to inves-

tigate fairly. By this time the audience had got enough of clairvoyance for the present, and those only who sympathized with the performer attended the third meeting. A committee of the right kind was now selected, and a young girl named Harriet, some relation of the mesmerist, was the subject. Harriet having been properly manipulated and somnambulized, succeeded tolerably well. Foreseeing this result, I had procured a horse-shoe magnet and placed it in the hands of a friend, a stranger to the mesmerist, that he might test its effect. This was Dr. James S. Naudain, son of Dr. Arnold Naudain, then U. S. Senator from Delaware. He sat by the side of Harriet and actually held it in contact with her arm whilst she was performing with the greatest success. At the conclusion the mesmerizer addressed the audience and declared that he would have succeeded on the former occasions but for the supposed presence of a magnet, and the unfair scrutiny of the committee. As I had been chairman of the committee so accused, I took the liberty of giving to the audience the story of the real magnet. I announced also that I would, at a time appointed, give an exhibition of seeming clairvoyance which should far excel the performance of the mesmerist.

A few days afterwards my exhibition was duly announced. I enlisted in my service a younger brother, now Rodmond Gibbons, of Oakland, who was then a lad of 13 years, and the only training which he had, occupied less than two hours, in the afternoon previous to the performance. He had never witnessed a mesmeric experiment, and was totally unacquainted with the subject. An audience of several hundred persons filled the lecture-room. It was composed largely of persons of the best order of intelligence. A committee of four gentlemen was appointed by them to overlook the proceedings and prevent collusion. I stated that my performance would be altogether trickery, and requested the audience and the committee to use the utmost scrutiny and detect the tricks if they could. My brother was seated on the platform, his eyes securely bandaged by the committee, and I stood

behind him and requested persons in the room to hold up any objects to my view. I then asked the "medium" a few questions, and he gave the names of the objects in every instance. This showed that he saw with my eyes. To prove that he possessed also my sense of feeling, I desired the gentlemen of the committee to touch or strike me. I had only to ask one or two questions to get correct answers as to the part of the body impressed. This proved that he felt with my faculties of sensation. So of taste, he answered promptly what was the taste of anything put in my mouth. To prove that he was under the influence of my will, any one in the room was invited to write on a slip of paper a request that I should will him to perform some particular movement, such as raising the right hand or the left hand, or moving the right or left foot, or rising on his feet. I had nothing to do but to look intently, as I stood behind him, on the part to be moved, and it was done.

These experiments were continued for nearly two hours, without a single failure. At the conclusion I requested the gentlemen of the committee, or any persons in the audience, to explain if they could the *modus operandi*. But though a number of individuals attempted it, not one even approached a solution of a single trick. And yet when I came to explain to them, as I did, the method employed, it was so simple and at the same time so infallible as almost to appear ludicrous. It was like the old story of standing the egg on end.

And what was the moral? Not that mesmerism and clairvoyance are all a trick, but simply that intelligent and sagacious people can easily be imposed on, and that the testimony of our senses is not to be hastily accepted in regard to phenomena which contradict our universa lexperience of the laws of nature. If the brief training of a single lesson could enable two unpracticed performers thus to perplex and mystify an entire audience, what might not be accomplished by my brother and myself if we should devote our whole lives and energies to the pursuit?

From this time onward I sought opportunities of witnessing the phenomena of clairvoyance, but my presence was almost always singularly preventive of them. I could read and hear of marvelous results, in all directions, but I did not hold myself bound to explain or even to believe without seeing with my own eyes. At an exhibition given in Philadelphia by some itinerant performers of great celebrity, when I stood on the stage as one of a committee appointed by the audience, a young girl in a clairvoyant condition told the denomination of a bank note which I held in my closed hand, and even read the name of the bank. At this I was staggered; but learning soon afterwards that the girl was loose in her morals, I suspected trickery, though I could not explain the trick.

After a somewhat brilliant career of ten or fifteen years, clairvoyance grew stale and unpopular. The practical mind of the people demanded a positive sign of its truth. A revelation of distant occurrences, such as a shipwreck, or the death of a friend, was within the range of its claims. Let it demonstrate itself by some revelation of the kind. In all attempts of this character it failed signally. The occupation of its votaries being gone, they turned their attention in another channel and began to talk of psychology and biology. Many really wonderful phenomena were exhibited under these names, all illustrating the extraordinary operation of mind on mind and mind on body, and all coming under the cognizance of scientific law. I had frequent opportunities of observing these phenomena. They did not shun my presence like the more recondite and dubious wonders of clairvoyance. Public performers in this line became "Professors" and perambulated the country turning their art into gold. And when that style of exhibition was, in turn, growing stale and unattractive, some of them invaded the domain of physic, and went about curing diseases by the "laying on of hands." Many cures were effected by them, which appeared wonderful to a populace ignorant of the history of psychical epidemics. Their cures however did not begin to approach

in number or importance those of the "Metallic Tractors" of Perkins, at the close of the last and beginning of the present century. Besides, the most notable of them lasted no longer than the "sympathetic snout" of Talicotius.

Up to this time, the spirits of the departed had not come to the aid of explorers in the "Debatable Land." It was claimed only that the mind of a living person might, under certain circumstances, vacate the body and journey abroad in the exercise of the perceptive faculties, and return with much knowledge so acquired—knowledge limited mainly however to the material world. But a new dispensation was at hand. The law of epidemic perturbation, it seems, is not only active on earth, but also in the dwelling place of the spirits of the dead. Disturbed in their repose, the souls of the departed left their sphere, and uninvited at first, engaged in a series of noisy manifestations, which, if done by mortals, would have been regarded as riotous and unlawful. Prowling around in the dead of night and disturbing the peace of families and tumbling and smashing the furniture, one might consider rather vulgar employment for spirits that had been for years enjoying the refinement and glory of Heaven. But so it was. The souls of sages and philosophers, of saints and martyrs came down from the eternal throne, to play the role of mischievous school-boys.

In the year 1852, a posse of these spirits made a descent upon California, and entertained, or were entertained by a company of young gentlemen who were wont to assemble for the purpose at a house on Stone street. After verifying their mission by turning the furniture topsy-turvy, they became the bearers of news from the Atlantic States. It was at the time of the Presidential election, and there was no telegraph in those days. The spirits brought news in advance of the mail that Gen. Scott was elected, and some of the believers made heavy bets with ignorant outsiders that such was the case. The loss of their bets convinced them that they had been duped by lying spirits, and I believe induced them to drop their acquaintance.

Following up my enquiries, I sought opportunities to witness this new phase of the marvelous. But I was still doomed to disappointment. My presence was always offensive to the ghostly visitors and they fled from it. On one occasion when I entered a room on Jackson street during a seance, the spirit of William Penn announced itself by the customary raps. I was delighted, as I had a personal interest in ascertaining the place assigned to Quakers in the spirit world. But the invisible presence had but a few words to say, and that in language such as no Quaker ever employed, and then hurried away to make another call.

At another time I attended a seance on a Sunday evening, at a house also in Jackson street, to which I was invited with the assurance that I should witness something pronounced and marvelous. About thirty persons were seated in a circle around the room, whilst three or four others were at a table in the centre. One of the latter requested the spirits to indicate their presence by rapping or tipping the table. No answer being given, he renewed his request several times with sweet persuasion, but in vain. The circle of spectators joined hands, but still there was no response. I should have mentioned that Lola Montez, who was quite an enthusiastic believer, was in the circle. At length it was suggested that the spirits might prefer to indicate their presence by means of light; and if so they were requested to give three raps. The raps came, and the lights were extinguished, and we sat in utter darkness, looking for illumination. At this instant I saw, or believed I saw, a distinct flash of light at one end of the room, but lest I might be mistaken I said nothing. Another person however spoke up and confirmed my observation, but as a doubt was expressed by others, I thought it right to declare that I too had seen it. I was delighted now to get hold of something real, and I hoped for other developments. But the cup was dashed from my lips by Lola Montez, who exclaimed; "I can explain all that; I made the light lighting my cigarito!"

Such are a few illustrations of my experience in search of

knowledge in this field. I have been pursuing a phantom for nearly half a century—a phantom it has proved to *me*, call it science, art, mystery, or what you please.

But, I am told, it is presumptuous in me to set at naught the testimony of thousands of people, including men of note as scientists and philosophers, who have witnessed the phenomena. To this let me answer that the honesty and veracity of a witness are one thing, and his infallibility another. How often do we find conscientious and truthful men swearing in a court of justice to opposite conditions of fact, observed by them in broad daylight! Who has not witnessed feats of legerdemain which he could not by any possibility account for! A man will take my watch and put it in a mortar and pound it to pieces before my eyes, then throw the fragments in a hat and give the hat a shake and return the watch to me sound and perfect. Must I admit that he did really crush and reconstruct the timepiece, because I can not detect any artifice? R. D. Owen, determined not to be deceived, subjects to close scrutiny the doors and windows of the apartment, and the cabinet from which the apparition is to come, and then he beholds the form and the substance and converses with it and feels it. His eyes and ears and hands all unite in testifying to the fact. He not only believes everything, but contemns the understanding of persons who decline to accept his statement with his explanation, and who suggest a possibility of deception. In this he acts the part of spiritists everywhere; for it is their universal custom to require those with whom they converse to see with *their* eyes, to believe with *their* faith, and to accept *their* explanations.

But at the critical moment when Mr. Owen and his scientific friends succeed in bridging over the chasm between the two worlds, the glorious vision is dispelled by some mar-plot who discovers the spirit of Katie King clothed in an every-day garment of flesh and blood! What assurance have we that the Katie King of Wallace and Crookes was not a real personage, like the American Katie with whom Owen had such a pleasant flirtation?

Suppose a navigator arriving at San Francisco should report that he had discovered an island in the Pacific, in which the sun rises in the west and sets in the east. He would pass for a fool or a madman. But what if his whole crew and a company of intelligent passengers besides, should confirm his statement? Still no one would believe it, though the singularity of the asserted phenonenon thus substantiated, might induce the sending of a deputation of *savants* to solve the mystery. Suppose they should return and testify to the same fact. Would you believe it?

And why not? Simply because your observation and your knowledge of the laws of nature teach you that it is impossible. No weight of human testimony would suffice to convince you of its truth. You might come to the conclusion that there was some extraordinary condition of things on that island capable of perverting the senses in a mysterious manner, but you could not be convinced that the sun does really rise in the west at that place, and set in the east. To remind you that the sun once stood still at human command, and that miracles of equal wonder were wrought in olden times, would scarcely shake your unbelief.

The *reductio ad absurdum* is a legitimate method of disproving a false proposition in mathematics. It may not be easy or practicable to disprove it by direct means, but if the consequences are impossible, it cannot be true. A schoolboy will demonstrate the proposition that a hound in pursuit of a hare, and running exactly twice as fast as the hare, can never overtake it. For the hare, in the first minute, making half the distance of the hound, will continue at the end of any given minute to be just half as far in advance as at the former minute; and as the continued division of the distance by two cannot destroy it, so there must forever be some space between the pursuer and the pursued.

Problems like this are often encountered when common sense is the only corrective of demonstrated absurdities in human experience. More frequently the judgment is called on to correct the evidence of the senses. But both sense and

judgment are disordered by prolonged attention and strain in one direction. In the division of labor required by the immense extension of the field of scientific research in modern times, specialists become a necessity. And it is the universal and almost inevitable tendency of special studies to magnify if not to distort, the objects of study. In every human pursuit, intellectual or material, the judgment and the conscience are warped by the predominant thought. Robert Dale Owen says that whilst investigating the subject, he had fifty seances in three months, besides reading a multitude of books on the marvelous and supernatural. Such an ordeal could scarcely fail to disorder the perceptions and vitiate the judgment. After that, he was well prepared to resolve the problem of creating something out of nothing.

It is a matter of frequent boast that the spiritists have seven millions of adherents in the United States. They sometimes claim ten millions. When we reflect that there are less than twice ten millions of adult population in the republic, the claim appears to be a bold one; and yet it may be true. In all ages and in all countries, the ignorant masses have believed in spirits. Very few of the negroes of the South have yet risen above the superstition. Among the whites, in sections where education and intelligence are at the lowest ebb, the belief in witchcraft or some other form of spiritism is general. Within my recollection, a carrier-pigeon which had missed its way and taken refuge in a farm-house, with a packet tied to its wing, was seized with the tongs by the terrified inmates and roasted alive in the fire. And this transpired in a thickly peopled rural district, not thirty miles from Philadelphia. Under the recent excitement, the belief in the supernatural has changed its phase and risen to the surface, rather than increased the number of its converts.

I have heard it said that jugglers never believe in spiritism. The practice of their arts fortifies them against deception. They know how easy it is to cheat men's senses, and they

are on their guard. Had the men and women who have surrendered their minds to modern spiritism, received a preliminary training in legerdermain, they would have been less credulous. Superstition is the offspring of credulity.

When Roger Bacon made some striking discoveries in chemistry, he was so startled that he declared nothing thereafter was too strange for his belief. There are many phenomena resulting from the mutual influence of body and mind, which produce the same impression when observed for the first time. Persons unused to rigid scientific investigation require only the first impression to secure their easy faith in all that follows. In this way great numbers of sensible, honest and conscientious people have been entangled in the mazes of spiritism.

I would not be understood as asserting that there is nothing true or worthy of inquiry in the subject under consideration. If investigated by men of science, some valuable results might be attained. But as the case now presents, the less of science in the pursuit, the more fruitful and marvelous are the developments. If there were no other fields of investigation, if every other department were thoroughly explored, if all the secrets of nature in other directions had been extorted, then there might be some reason for the labor and sacrifice expended in the wilderness of modern spiritism. But we may fairly conlcude that a study which, by its own acknowledgment, evokes falsehood and truth promiscuously from the invisible world ; which invites imposition and trickery, and indentifies them with its sublimest exhibitions ; which develops the sordid love of gain, and clutches at the purse whilst it pretends to open the everlasting gates, which perverts the intellect and hands it over to a disordered imagination; which fosters credulity and superstition and revives the crudest delusions of past ages; which does violence to the plainest laws of hygiene, and opens wide the door to mental derangement—might well be expunged from the modern curriculum and laid on the shelf, together with astrology, alchemy, necromancy and witchcraft.

But I have wandered from my original design, which had reference only to the hygienic aspect of the question. Let me conclude by quoting the opinion of a distinguished "medium" in confirmation of my own views. Mr. Home, the Scotch-American as he is sometimes called, built up a reputation as a Spiritist not surpassed by any other individual. His capabilities in this direction enabled him to stand before the kings of Europe, to bask in the sunshine of the Russian court, and to grow rich in diamonds and jewelry presented by royal hands. He has an only son who, he believes, inherits all the powers and gifts of his father. But we are told he will not allow his son to execute them. He does not wish "Sacha" to have anything to do with Spiritism, "*because the boy will be happier if he grows up in the normal condition of humanity.*" These are his own words.

ADDRESS

—— OF ——

HON. C. HARTSON,

BEFORE THE

CALIFORNIA

PRISON ASSOCIATION

AT

SAN FRANCISCO, NOVEMBER 10, 1881.

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1880.

ADDRESS

OF

HON. C. HARTSON

BEFORE THE

California Prison Association.

SUBJECT:

"The Duty of the State to Neglected Children and Youth."

Encumbered with business, and perplexed with cares, I labor under peculiarly embarrassing circumstances in attempting to address you on this important occasion, and regret that the work of describing the duty of the State to its neglected children and youth has not been committed to other and abler hands.

The inquiry naturally arises, What is the State and for what purposes is it established?

THE STATE

is not the laws, nor the courts of justice, nor the legislative body, nor the Constitution; but it is the body politic, the whole body of the people united under a Government irrespective of name or form.

The word State when applied to government comprises every member, rich and poor, high and low, young and old, diligent and idle, virtuous and vicious; all combined form the community known as the State. The poet has described

an ideal State—what it should be rather than what it is—in the following language:

"Not high raised battlement or labored mound,
"Thick wall or moated gate;
"Not cities proud, with spires and turrets crowned;
"Not bays and broad armed ports,
"Where laughing at the storm rich navies ride;
"Not starred and spangled courts
"Where low-browed baseness wafts perfume to pride.
"No! Men, high-minded men—
"Men who their duties know,
"And dare perform."

THE CHARACTER OF THE STATE.

The State is an exponent or embodiment of the wisdom, the conscience, and the will of the people constituting the same.

As a stream will not rise above its source, so the public laws and ordinances will not be in advance of the common understanding and popular heart.

The character of the commonwealth depends upon those that form it; if intelligent, diligent, virtuous, and of noble spirit, then the State will be prosperous and renowned; if ignorant, vicious, and corrupt, then the State will be subject to anarchy, violence and destruction.

VICE IS INFECTIOUS.

If any considerable number of the body politic are ignorant and depraved, the whole body is in danger of contamination. "That a little leaven leaveneth the whole lump," is a principle that has a strong application in disorders affecting society and State. If any considerable number of the members of a community are idle, vicious, and dependent, they burden and oppress all of the rest.

No State can become prosperous and illustrious under any system of political economy when its inhabitants are idlers, vagabonds, and criminals, and the government of a State will be oppressive and obnoxious according to the preponderance of this element.

A PRIMARY DUTY OF THE STATE.

It is often said that the State owes to every citizen thereof protection and support. It may, with no less truth, be said that the State should see that all of its members are qualified and disposed to support themselves and thereby to protect and support the State. The obligations of a State to its members and the obligations of the members to the State are reciprocal. Every citizen of a State should contribute to its support, advancement, perpetuity, and renown.

To make a Government satisfactory and tolerable the vagrant and felon class should not be allowed to dominate, but should be restrained, and, if need be, should be coerced by the strong arm of power.

VAGRANCY A CRIME.

In some of the New England States vagrancy is made a crime by legislative enactments, and tramps are sentenced to hard labor in prison for long terms. During the reign of Queen Elizabeth trampism was regarded as a most heinous offence, and the penalty was death. This remedy was severe, but was considered most economical and effective.

Here is an assertion by the State of the principle that no one has a right to be a loafer at another's expense and that the State ought to and will accord to the frugal, industrious, and worthy, protection from imposition by the lazzaroni as well as criminals. It is an offense against common decency and should be against public law for a healthy and muscular person to loaf and bum.

The same rule does not apply to those upon whom the hand of misfortune has pressed hard; the decrepit, the feeble, and the destitute. They should be cherished and cared for with all of the tenderness and sympathy that the most sublime charity invokes.

WHAT IS THE ORIGIN OF THE CRIMINAL AND PAUPER CLASSES?

The criminal classes are produced and have their growth and increase in accordance with natural laws and legitimate

causes. They are the result of vitiated stock; inherited pernicious tendencies and imperfect organism; of bad training and bad habits; of the lack of bodily and mental vigor and vital force; of an undeveloped state of the moral forces; of moral imbecility and feebleness of the will; of a paralysis of the higher powers and consequent sway of the animal passions; of a weakening of the restraining faculties, reason, reflection, and conscience, a torpor of the higher faculties whose office is to control the lower; of vicious acts repeated until a habit is formed that in the course of time ripens into a mental and moral disease which is transmitted as surely as likeness in form and feature, as surely as consumption, scrofula, and insanity.

THESE CLASSES COME FROM SEED.

The susceptibility of our natures is well expressed in the the following language:

" And such is man, a soil that breeds,
" Or sweetest flowers, or vilest weeds;
" Flowers lovely as the morning light,
" Weeds deadly as the aconite;
" Just as his heart is trained to bear
" The poisonous weed or floweret fair."

When the seed of evil is once planted it germinates, and grows, and increases, and reproduces like the brier or the mustard seed.

You have seen small patches of briers and mustard in productive soil in their beginnings. You have seen them increase from year to year, and each successive year grow stronger, ranker, and higher, until, in a few years, you have seen the whole field filled with the obnoxious growth. Every one knows the remedy; to cut it up by the roots.

Such also is the history of criminal seed; its propagation, its blasting and destructive tendency, and its remedy. The criminal class owes its existence and its volume largely to the children of the hapless and confirmed poor, and to the children of the vicious and criminal element.

THE UNSEEN BATTLE FIELD.

There is a ceaseless conflict in the experience and lives of the good and bad, the best and the worst, between passion and duty. On one side of this conflict are marshaled hate, violence, lust, and appetite. On the other are ranged true self-interest, and honor; sympathy, benevolence, and charity; and the sense of duty, or conscience, pointing to the right as the compass does to the polar star, the authority and pre-eminence of which are fitly represented in the following:

"What conscience dictates to be done,
"Or warns us not to do,
"This teach me more than Hell to shun,
"That more than Heaven to pursue."

It is of supreme importance in the race of life that the latter class be strengthened and magnified, and that the former class be curbed, repressed, and subordinated.

Principle, affection, and impulse should be in perfect equipoise, then the heart will contain the antidote as well as the poison.

In this warfare the one who conquers, who vanquishes the baser passions and exalts the nobler is the real hero and should be crowned.

In this warfare the dividing line between the good and bad and the position of each are established by victory or defeat.

The passions contending for mastery are thus portrayed:

"There is an unseen battle field
"In every human breast,
"Where two opposing forces meet,
"But where they seldom rest.

"One army clusters strong and fierce,
"Their chief, of demon form,
"His brow is like the thunder cloud,
"His voice the bursting storm.

"His captain's Pride, Lust, and Hate.

"Contending with this mighty force,
"Is but a little band,
"Yet there with an unquailing front,
"Those warriors firmly stand.

"His captain's Faith, and Hope, and Love."

THE YOUTH THE FUTURE GOVERNORS.

Those now in infantile and youthful years will soon direct the destinies and govern mankind. In a few years all of the present generation of business men will have gone to rest, and the interests of the world will be in the hands of a new set of actors, and, perhaps, moved by new forces.

The youths of to-day will soon represent the energy, the intelligence, and the wisdom of mankind.

Within a half of a century those that now govern the world, who drive its machinery, who till its soil, who teach philosophy and wisdom, who dazzle mankind with their genius and eloquence, who exhibit the loftiest sentiments and noblest manhood, will have moved on in the procession of successive generations, and those now young will move up and supply their places.

How important then that the youth be trained for the destiny before them; that they be armed and equipped for their great work; that they become skilled in all branches of useful science and industry, in all useful learning, and that they have well established principles of equity, justice, and manly character.

THE DUTY OF THE STATE

is to suppress vice and vagrancy with their destructive tendencies. Each generation can transmit to its successor a lightened load of pauperism, vice, and crime, and greater power to carry the burden.

The State should see that the homeless, destitute, and ignorant youths are fed, clothed, and educated; that the idle are employed, and that both the hearts and workshops of the thrifty, enterprising, and wealthy are thrown wide open for their reception and employment.

The State should establish order, discipline, and good government; should teach her children to be diligent, faithful, and frugal, and should inspire them with enthusiasm and energy in the discharge of all of the duties of life.

Both society and the State should recognize the fact that

"'Tis education that forms the common mind,
"That as the twig is bent the tree's inclined."

We do not gather figs from thistles, nor grapes from briers, and we shall reap what we have sown.

The State should assert its authority over its own and see that none but pure morals and correct principles are taught and that none but good habits are established.

Too much consideration cannot be given to the formation of correct habits by the young.

HABITS.

It is habit that makes much of the inequality and difference in men, nations, and mankind.

Habit may and ought to contribute to useful purposes, to the establishment of right instead of wrong.

Habit, with its tenacity—with its oft-enduring and uneradicable impressions—with its power to fasten itself on the very soul, should be guarded with the utmost care and solicitude.

Habit, leading on to honor or to dishonor, if good, should be sedulously cultivated and firmly adopted; and if bad, should be at once and forever discarded and avoided.

"Habit, at first, is but a silken thread,
"Fine as the light-winged gossamers that sway
"In the warm sunbeams of a Summer's day;
"A shallow streamlet rippling o'er its bed;
"A tiny sapling ere its roots are spread;
"A yet unhardened thorn upon the spray;
"A lion's whelp that hath not scented prey;
"A little smiling child, obedient led.
"Beware! that thread may bind thee as a chain;
"That streamlet may gather to a fatal sea;
"That sapling spread into a gnarled tree;
"That thorn, grown hard, may wound and give thee pain;
"That playful whelp his murderous fangs reveal;
"That child, a giant, crush thee 'neath his heel."

The greatest delineator of manners, passions, and life—Shakespeare—says:

"That monster, Custom, who all sense doth eat—
"Of habits evil, is angel yet in this,
"That to the use of actions fair and good,
"He likewise gives a frock or livery
"That aptly is put on. Refrain to-night,
"And that shall lend a kind of easiness
"To the next abstinence; the next more easy;
"For use can almost change the stamp of nature,
"And master even the devil, or throw him out
"With wondrous potency."

While the youth should be taught to resist evil and withstand temptation, they should not unnecessarily be exposed to them. Trees, and even forests, are bent and deformed by exposure to constant and severe winds from any one direction.

Few ships are able to encounter all tides and tempests in safety. The Jeannette would doubtless carry her crew and freight in safety with light winds and in pacific seas, but could not withstand the icebergs and storms of the Arctic. So with youth: some are so constituted that they pass along unharmed over the most perilous seas and through the most enchanting and seductive scenes, while multitudes are shipwrecked and lost in the venturous journey.

Some are said to have witnessed scenes of horror and suffering until a morbid desire was created for the repetition of the sight. Nero is said to have so accustomed himself to spectacles of torture and agony, that he fiddled while Rome burned.

"Vice is a monster of so frightful mien,
"As to be hated needs but to be seen;
"Yet seen too oft, familiar with her face,
"We first endure, then pity, then embrace."

THE SOVEREIGNTY OF LABOR.

The State should instruct its offspring that it is a royal blessing to work with steadiness, with care, and with skill, and that nothing valuable can be obtained without it.

Labor should be made desirable, honorable, and habitual, so that men will delight to satisfy their wants from their own earnings, thereby avoiding the temptation to supply their necessities by violence and fraud.

Manual and mental labor conduces to health, strength, and happiness. It imparts fire to the eye, bloom to the cheek, strength to the muscles, vigor to the body, and courage to the soul. It is the basis of competency, wealth, correct discipline, and moral training, and indispensable to success in every field of rational enterprise.

WHO ARE ABLE AND QUALIFIED TO INSTRUCT THE YOUTH?

Who are able to marshal this great army of youth and discipline them properly for success in the battle of life? Not some one tired of life's contest, seeking refuge from anxiety and toil; not some one half famished, crowding, grasping for place and preferment, without qualifications to fill it with credit; not some one wanting enthusiasm and potency, dependent upon his friends for support, and by them transferred to the public service;—but the master should be a man of ambition, of tact and talent, richly endowed by nature, highly cultured in the schools of science and of art, and specially trained for this difficult and important work. He should be a man of humane disposition, of sensibility, of intelligence, and of high executive ability.

He should possess the vivacity and hopefulness of youth, with the experience, moderation, and wisdom of manhood.

Real success follows aptitude, talent, and endeavor. The heights of Fame are rugged, and are ascended by severe and ceaseless labor.

The same laws govern success in this as in mercantile, banking, and other pursuits. It comes from meritorious action—from deserving it.

By the adoption of a wise policy, the State will see the poor and unfortunate youths, instead of passing along in the line of their ancestors, or sinking to a lower stratum, rise up to seats of honor, and bless her. By keeping wide open the avenues to distinction, wealth, and fame, such heroic characters as Lincoln and Garfield will ever and anon appear to impart luster to their country and their age.

The State has it in its power to multiply the bright luminaries that, as by the laws of attraction, rise and take their place in the planetary firmament; those who have become illustrious in their generation and ascended on high, without depreciating or disparaging others, without pulling or trampling them down and rising upon their ruins, without chicanery, without treason to the weak or flattery to the

strong, without pandering to vitiated popular taste or fattening upon popular errors, but who have by manly efforts and toil, by their real worth and merits, become conspicuous among the great and good of mankind.

It is the highest duty of a State to expend all its energies and resources in restraining rather than in punishing crime Rather than to be compelled by fine, imprisonment, and the scaffold, to punish crime, the State has the undoubted right, in self-defense and in promoting her best and highest interests, to interpose and see that its wards are not reared for a life of vagrancy and crime.

It is cheaper for a State to build school-houses and workshops than to build jails and scaffolds.

It is infinitely better for the State to educate its children in schools and workshops, than in the streets, in dens of vice, and in penitentiaries. One or the other system the State must adopt.

It has its choice, to guard and govern its young and rear them subject to rules and discipline; or to convict, condemn, and hang. The State will be cursed with untold calamities if it omits its duty.

In a government like ours, established and maintained by the popular will, founded upon and sustained by the intelligence and integrity of the people, and at all times liable to be overthrown by ignorance, prejudice, and depravity—*in such a government ignorance is a crime.* And any popular government that tolerates it, is guilty of weakness and imbecility, invokes the spirit of discord and anarchy, and encourages its own destruction.

The authority of the State must be exercised when they are young, tender, and susceptible—before the hardening process is begun, and before the golden bowl is broken at the fountain. It should discipline the youth as soldiers for the contest. It should arm them for the great battle of life. The very sources from which the pauper and criminal elements draw their recruits should be dried up.

The State, for its own prosperity and perpetuity, has the undoubted right to anticipate the predisposition—to rectify and moderate the tendencies to criminal life—to subdue the vehemence of passion—to stimulate power in the mind of the exposed to resist the force of temptation—to counteract the almost imperious animal instincts, and to rouse and exalt whatever is excellent and noble in the soul.

DR. CHANNING

Describes the power and duty of a State towards its offspring thus:

"Society ought not to breed monsters in its bosom. If it will not use its prosperity and power to save the ignorant and poor from the blackest vice, then it must suffer, and deserves to suffer, from crime.

"If the child be left to grow up in utter ignorance of duty, and of its Maker, and of its relation to society—to grow up in an atmosphere of profanity and intemperance, and in the practice of falsehood and frauds, let not the community complain of its crime. It has quietly looked on, year after year, and seen him arming himself against its order and peace, and who is most to blame when at last he deals the guilty blow? A moral care over the ignorant and tempted portion of society is a primary duty of the State."

THE BEST EDUCATIONAL AND ADMINISTRATIVE SYSTEMS CONSIDERED IN A LEGISLATIVE REPORT.

That the State should not overlook the needy and destitute portion of her children—the houseless and wayward—the ragged and wandering youth; that she should not expend all her energies and annually her millions upon those that least need it, and neglect those of her own who most need it; and the most approved methods and systems of administering her benefits and charities, were all elaborately considered in a report submitted to the last Legislature, which was adjudged worthy of being twice printed for general circulation by special orders of that body.

not only devolve upon the State, but responsibilities no less important devolve upon every child in the State. Let me proclaim to every boy and girl everywhere, that your happiness, or your misery, and the solution of the problem whether you will rise to eminence or sink in infamy is in your own hands.

The State may stretch forth her benignant hand, she may exercise the utmost parental solicitude and care, she may do her whole duty, but unless you co-operate, unless you do your duty the result will be a most calamitous and wretched failure. Notwithstanding the propitious or unpropitious surrounding, your character, to a great extent, is in your own hands.

EXEMPLARS—BAKER, TRACY, AND OTHERS.

In the history of California there are many bright examples, many imperishable names recorded to stimulate in the young the greatest efforts, encouragement, and enthusiasm.

Conspicuous in that grand army of heroes that have been mustered out of the ranks here below and entered the service above, memory recalls the lion-hearted Broderick, with the truths of the Declaration of Independence impressed by nature upon his very being, and who is entitled to the enviable reputation of having, in the advocacy of these truths, become *our first great martyr in the cause of universal emancipation*; the astute, logical, and impassioned Tracy, teaching pure law, sublime political ethics, and exalted governmental policy: the inimitable Starr King, the great advocate of righteousness, temperance, and patriotism—the idol and hero of his time; and the gallant Baker, whose eloquent perorations stirred our hearts, thrilled Senates, and aroused the nation, who consecrated his grand life in rendering immortal in American history, the burning and patriotic sentiments uttered by him at the American Theatre in San Francisco, in a public address, Oct. 26, 1860, in which he said:

"Many years long gone, I took my stand by Freedom, and where, in my earliest youth, my feet were planted, there my manhood and my age shall march. And for one, I am not ashamed of Freedom. I know her power! I rejoice in her majesty! I walk beneath her banner! I glory in her strength! I have seen Freedom in history—again and again—struck down on a hundred chosen fields of battle.

"I have seen her friends fly from her! I have seen her foes gather around her! I have seen them give her ashes to the wind—regathering them again that they might scatter them yet more widely; but, when her foes turned to exult, I have seen her again meet them face to face, resplendent in complete steel, and brandishing in her strong right hand, a flaming sword, red with insufferable light!

(Unbounded applause, the whole audience rising to their feet and pealing cheer on cheer.)

"I take courage! The people gather around her! The Genius of America will at last lead her sons to Freedom."

The prophecy is fulfilled. His work is well done. A few months thereafter the eloquent patriot fell in battle, fighting for the sublime principle of Freedom, and both became immortal.

MAKE LIFE A SUCCESS.

Let these examples inspire the young to improve the golden opportunities offered for education, for cultivation, and for improvement, that life may prove a success.

By success is not meant the amassment of goods or land, stocks or gold, or the accumulation of property which is of a perishable and evanescent character, nor the gaining of the popular applause which is so often followed by the popular frown, the one often crowding the other so closely that there is no clear line of demarcation between them.

By success in life is meant the becoming useful members of the community in which you live; fearlessly and successfully supporting the right and opposing the wrong, regardless of policies and consequences. The accumulation of

useful knowledge, and the constant increase of the capital and talents entrusted to your care, and the excelling in whatever is useful, magnanimous, and great—making

"Footprints on the sands of time,
Footprints that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again."

Beyond peradventure, success can be attained by imitating the life and virtues of such persons as Abraham Davenport, of Connecticut, who in an hour of dreaded calamity and universal horrors in 1680, while engaged in the legislative Council, amid the premature darkness of a total eclipse, said:

"This well may be the Day of Judgment which the world awaits;

"But be it so or not, I only know my present duty, and my Lord's command;

"To occupy till he come. So at the post
"Where He hath set me in His Providence,
"I choose for one to meet him face to face,—
"No faithless servant frightened from my task,
"But ready when the Lord at harvest calls;
"And therefore, with all reverence, I would say,
"Let God do His work; we will see to ours."

And thus was taught the doctrine:

"*That simple duty hath no place for fear.*"

The demands of this age, the calls of duty, are incompatible with indolence and ease, with prodigality and pleasure. You were not formed to repose in the bed of sloth; you were not created to lounge and loiter, but to be up and doing with a heart for any fate, and to act a noble part in life's great struggle, pressing onward and upward in the paths of

duty and honor. Our duty in life is well expressed in the following language:

> "In the world's broad field of battle,
> In the bivouac of life,
> Be not like dumb, driven cattle;
> Be a hero in the strife."

To-day, as you look around, every place of confidence, responsibility, and profit, seems pre-occupied.

For you, death and age will rapidly create vacancies. The tongue of the now resistless advocate will soon be palsied. The thrilling accents of the sacred ministers now pleading for righteousness and temperance, warning of a judgment to come, will soon die away. The honored possessors of the intelligence, virtue, and valor that adorn this age, will soon disappear and be remembered only by the monuments of worth and glory that they have erected during this transitory life.

The honors, the responsibilities, and the destinies of mankind will soon be committed to the rising generation.

You will be the inheritors of the fortunes, and the guardians of the learning and fame of the generation that is rapidly passing away.

This important trust will soon be committed to your care to preserve and transmit unimpaired to the succeeding generation.

Guard it faithfully, unawed by fear, and unaffected by ingratitude and calumny. Fear not the maledictions of the stupid, the ignorant and the vicious.

Remember that even in your youth, you have seen that no station, no purity of character, no peril, or labor, or sacrifice for the public good, can shield one from aspersions of the uncharitable and malicious.

Remember that you have already seen the most illustrious hero of modern times—fresh from the field of danger and laurels, by his valor and his grand achievements in the cause of national unity, national preservation, and universal lib-

erty—*making this age, and all succeeding ages, his debtors* the subject of cold ingratitude and vituperation, and the target of causeless slander and invectives.

Be prepared to meet the ills of life with patience and fortitude.

Depend not upon, nor distrust the State, whose interest duty, and honor prompts her to the exercise of the utmost vigilance and care over her offspring. In her pride and power, in her magnanimity and justice, she cannot afford to omit her duty and leave *her* work undone; neither can the least of her children.

In conclusion, allow me to repeat the electric words which a celebrated English General, at the commencement of a great struggle, addressed to those under his command, to stimulate them to valorous deeds:

"*England expects every man to do his duty.*"

So we may truly say that all of the great and good, and our common Father, who takes note even of a sparrow's fall, expect, whatever may be your position in life, or wherever your lot may be cast, that you will do your duty to yourself, to mankind, and to God.

San Francisco, November 10th, 1881.

ADDRESS

OF

S. C. HASTINGS,

FOUNDER OF HASTINGS' LAW DEPARTMENT OF THE UNIVERSITY OF CALIFORNIA,

BEFORE THE

REGENTS, PRESIDENT AND FACULTY;

AND

RESPONSES *by* T. B. BISHOP, *for the Regents, and by* Hon. J. B. CROCKETT, *one of the Judges of the Supreme Court.*

SAN FRANCISCO:
EDWARD BOSQUI & CO., PRINTERS.
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Gentlemen, the Regents, President and Faculty of the University of California:

I appear before you to announce the foundation and establishment of a College of Law in this University, which I will proceed to submit to you in detail.

The considerations which influence the founder are first presented to your attention.

Since the science of special pleading is no longer a part of the study of the law, and nearly the entire *corpus legis* is contained in modern codes and statutes, a growing tendency is observed to neglect the study of the history of the law and its traditions, without the knowledge of which the student can never become imbued with the true spirit of jurisprudence.

While many eminent and distinguished men adorn the profession in this State, the general standing of the Bar is not perhaps as high as it ought to be; and it is believed that the law student of to-day does not receive the training and mental discipline which is absolutely essential to the highest success and the greatest usefulness.

The desire of the founder is to diffuse a knowledge of the great principles of jurisprudence, not only among those who propose to devote themselves to the noble profession of the law, but also among all classes of society, to elevate the general

standing of the Bar, and to maintain and perpetuate the purity and dignity of the Bench ; for, without this, civilized government cannot exist; the rights of property, life and liberty will vanish and become an exploded theory of the past, and communism, mobs and other disorders will prevail against law, order and good government.

There is another consideration which influences the founder, which is entirely selfish, and for the gratification of his vanity, viz : to erect a monument — not of granite, wood or marble, not a house made with hands, but a temple of law and intellect which shall never perish, until in the lapse of time, civilization shall cease, and this fair portion of our country shall be destroyed or become a desert.

There are still others, but they are not secular, and must be submitted to another forum.

How to teach and how to become learned in the law is the question which is proposed to be discussed for a few moments.

In the days of those renowned instructors, the Ionian philosophers, we know they imparted knowledge of the laws of nature and rules of human conduct, and theories of civilized government in the public market places, gardens and groves ; that there was a class of these eminent teachers, denominated peripatetics — the term itself indicating that their followers received knowledge from their masters in no fixed locality or public hall.

Before the invention of the art of printing, instruction was personal. Nearly all the colleges of

Oxford and Cambridge were erected upon the private halls of wandering teachers, who established them, and who, with their manuscripts, personally taught pupils, having no printed books to supply the student for private study. This was the practice over all Europe for centuries. After the classics and mathematics were supplied in printed books, this mode of tutoring and personal instruction was abandoned. In the great universities, not only of Oxford, Cambridge, Edinburg and Dublin, but also of those ancient seminaries of learning so well known for past centuries, the invidiality of the student became recognized, and he was looked upon as a man and a gentleman, and held responsible as such, and he became free from class-stimulus, training and restraint, and nearly all college discipline received periodical examinations, denominated lectures, and at the close of the term had his great annual examination.

So in this college which we now establish, the student is not to be taught, but must learn by a process of ratiocination and study what the law is. That through this process, and limited instruction, viz: by lectures and examinations, he may, in a manner, be metamorphosed; that, is he may have a well-defined legal mind.

The man thus trained and developed can do no evil intentionally, nor encourage or permit wrong to be done by others. It is now well known that the great universities in England, to comply with modern progress, send examiners to the country remote from the university, and, by a system of examinations and responsions, ascertain who are

entitled to reward for their application, either in letters or science, and to grant degrees accordingly.

Having now alluded to the systems of instruction in the past and present, we approach the most important part of the question, how to become learned in the law in this country.

It is believed that, as law has been heretofore taught in many of our law colleges and schools, they have been unprolific in the production of men of distinction in the profession. This is the result of too much instruction, too much class stimulus and training. The mode of teaching is too objective, and, I might say, in many instances, dogmatic, if not imperial. The student goes forth with his diploma. He is a polished writer and talker; says much, and knows little. He is not a wise counselor, nor a good lawyer.

In striking contrast, is the student who has been trained up under a system of close subjective thinking and his own investigation.

When in practice he seizes hold of the complicated facts for which there are no exact precedents or formula, and, I might say, by a cultivated instinct and apparent inspiration, he tells his client what the law is.

This is the result of the metaphysics of the law; and such a man is known in the profession as a first-class lawyer.

This is what is proposed to be accomplished in the Institution now founded and established as the Law Department of the University of California.

The most eminent nations in civilization supply the greatest number of that class of persons

known under the generic term of lawyers. In England, there are attorneys, advocates, barristers, counselors, solicitors and proctors. In America we have attorneys, counselors-at-law and solicitors in chancery. In ancient Rome, the patricians had their retainers and clients, and in more modern times, their advocates. I invite attention to the qualifications and terms of study and application required in the countries mentioned, and the eminent standing and influence of those persons in society and government. I have not time here to further dwell upon them. Barbarous and half-civilized nations have but little use for these interpreters of the law or rules of civilized life. They repel their presence, and treat them with contumely and oppression.

This was illustrated when the Emperor Peter the Great was learning the ship-carpenter's trade in London. He saw a procession of barristers, in their wigs and gowns, marching into Westminster Hall, and inquired of his noble attendant what kind of creatures they were. "Why," said he, "those are lawyers attending His Majesty's court of justice." Exclaimed the royal ship-carpenter: "I have but two lawyers in all of my vast empire, and I intend to hang one of them on my return!"

As I am authorized to establish this college of law by the Legislature, I will now, in a few words, present my plan. I do this as a result of investigation for years. I have no right to expect that my views will be sanctioned by that body of learned men into whose hands I now consign this

college. They and their successors are to govern it in all time, and will be responsible for its success.

I find but a small number of students who desire to go into residence at the University, and that nearly all the students of the law are in law offices in the metropolis, villages and cities of the State.

How to instruct them, I submit the following as my views of what should be done: If it should so be, that these views meet the approval of the directors named in the statute, I shall be pleased. If they do not, I shall submit cheerfully to their better judgment.

By section 1 of an Act entitled "an Act to authorize S. C. Hastings to found a college of the Law in the University of California, "approved March 26th, 1878, I am authorized to found and establish a college, to be forever known as "Hastings College of the Law," which shall be the Law Department of the University of California.

The officers of this college shall be a Dean and Registrar, to be appointed by a Board of Directors, consisting of J. P. Hoge, W. W. Cope, Samuel M. Wilson, Delos Lake, O. P. Evans, Thos. B. Bishop, John R. Sharpstein and Thomas I. Bergin, of the Bar Association of the City of San Francisco and who shall forever fill all vacancies with some member of said association or otherwise.

These directors are presided over by the Chief Justice of the Supreme Court of the State, who is made *ex-officio* President.

The Dean shall be one of the Faculty of the

University, and the President thereof shall issue all diplomas, etc. A suitable hall shall be provided by the State at the University, for the use of the students, and a similar hall by the Board of Supervisors at San Francisco, and to be appropriated to lectures and examinations.

Students may be matriculated and become or remain residents of the University.

This will include students in San Francisco and other parts of the State.

The founder has proceeded not only to found but to *establish* the college in the following manner, viz:

He has applied for suitable halls at the University at Berkeley and at San Francisco, and has created the office of Proctor, who shall be a post graduate of the University and himself a student.

The duty of the Proctor shall be to constantly observe the conduct of the students in residence at the University; their habits of application, etc., and shall at all times respond to any questions which may be submitted to him, and when in doubt shall refer such questions to the Professor, at such times as the Professor shall be present.

It shall be the duty of the Registrar to keep his office at San Francisco, receive and record all applications for matriculation, keep all the correspondence for the college, and specially to perform all the duties which may be imposed upon him by the Dean; and to keep a record of all the proceedings of the Directors, and to obey the Directors in all things, and to enter in some book of records the names of post-graduates resident at the Uni-

versity, and the names of all students who shall receive examinations and lectures at the hall in San Francisco.

The home or principal college, being itself the Law Department of the University, is established at Berkeley. The hall at San Francisco shall be auxiliary thereto as a part of said college, and the students who graduate from the San Francisco department shall have equal standing with the students at the University.

It is the duty of the Dean to do all the business of the college, and to provide for lectures and examinations, and to discharge all the functions pertaining to his office, whether imposed by the directors, or otherwise, and while he shall receive no salary out of the college funds for services, nothing herein shall prevent him receiving an honorarium from any source, the duties of this office being, from an elevated professional standpoint, deemed to be above a sordid pecuniary reward for services.

There being at present no professorships founded, there shall be one professor known as the Professor of Municipal Law, whose duties shall be to lecture and examine the students at the university as often as he shall be directed by the dean and directors, and in the same manner at the lecture hall at San Francisco.

This professor shall be appointed or removed by the directors, and shall receive such salary as directed by them.

This being the first post-graduate college of the University of California, great care shall be observed that no person shall enter as a student who

shall be unworthy of a college of the eminent position it assumes, but the founder (and he hopes his descendants) will look upon the rejection of any applicant or student on account of his poverty or limited means of support, as a calamity subversive of the object of the foundation.

So far, there are no professorships established (except the one before mentioned), but with others, there will be provided the following, viz: a chair of physiology and medical jurisprudence, and what is deemed of great importance, a chair of the science and ethics of the law and rules of morality. Until further endowments can be had, permanent professors cannot be employed (except the professor of municipal law,) and until then occasional lecturers will be supplied, and I am happy to state that in these departments of instruction there will be no want, for the present, of eminent men to do the work. And to this end I am permitted to announce the names of Dr. C. M. Hitchcock, the distinguished ex-army surgeon; Drs. J. Campbell Shorb, and Benjamin R. Swan.

These gentlemen are well-known lecturers on science and medicine.

In the department of ethics and rules of morality I find an unexpected reluctance on the part of eminent divines to enter the work, but it is with great pleasure that I have the hearty consent of that eminent divine, the Rev. W. H. Platt, Rector of Grace church, to supply precisely the kind of lectures needed. This gentleman is celebrated for his eloquence, science and religion, and was once a lawyer in a successful practice.

In this college there should be a three years course, each law year to be the same as the academic year of the university.

The first two years should be devoted to abstract and elementary law, aud the third and graduating year to the study of codes and practice; and for this last year there should be organized a system of moot courts involving all questions of evidence, pleading and practice, and to facilitate the object of these courts, arrangements will be made under the Act of the Legislature, for the use of the Law Library in San Francisco. This library belongs to the Law Library Association, and is of great value, being equal to any library of the kind in the United States.

There will be published, as soon as the Directors can act, a curriculum of studies. I suggest that students, as provided by law, be permitted to matriculate, who reside in any part of the State, and to pursue their studies where they reside. The terms and qualifications of applicants for admission will be made known. There will probably be no examination of graduates of colleges who are otherwise qualified, but non-graduates must understand that a limited knowledge, especially of the Latin language, will be required. Lectures and examinations for at least once a month will be had at San Francisco and at the University. There will be provision made for examination of applicants for advanced standing, so that it is expected there will be a number of students who will enter upon the second and third year at the commencement of the first term.

The founder of this institution desires it to be understood that the term *student* is not limited to a young man without a diploma; for he never knew a good lawyer, no matter how well stricken in years, who was ashamed to acknowledge that he is as much a student as when he was in the days of his noviciate.

This institution is intended to supply a substitute for the Inns of Court, the historic Inner Temple, a temple of the law, which shall extend its arms and draw within its portals all who shall be worthy to worship at its shrine, resulting in the coronation of its votaries, as a reward for application, industry and merit.

Response by T. B. Bishop, Esq., for the Directors of the College.

Mr. President, Gentlemen of the Board of Regents and of the Faculty: Ladies and Gentlemen:

On behalf of the Board of Trustees named in the Act of Incorporation, I receive from the hands of its founder, this munificent gift to the present and to posterity.

Here, to-day, by the beneficence of a single individual, a college of the law has been established upon the shores of our western sea, destined to furnish instruction in the great principles of municipal and constitutional law to untold generations of men.

Let us not deceive ourselves as to the nobility of the act or the magnitude of the occasion. We justly boast of our schools and institutions of learning, but all these would be of little worth if they did not teach our children the value of liberty controlled by law—if they did not instruct them in those great principles of civil and religious liberty which have found their highest expression and embodiment in American institutions. The science of the law, when properly taught, includes within its purview the nature and history of all those rights which in our American Constitutions are declared to be inalienable; and he is indeed entitled to the gratitude of every lover of liberty, who thus furnishes, not only to his own, but also to all future generations, instruction so vital to free government.

In a country like this, where the people are at once the depositary and source of all political power, where the humblest citizen may be called to the performance of the highest public duties, it is of vital importance that the means of acquiring a knowledge of the laws be within the reach of all. The college of the law this day established, while destined to be of incalculable advantage to those who desire to become lawyers, is by no means limited in its proposed benefits to any profession. Its doors will be, and should be, open to all; for the study of the broad principles of jurisprudence ought not to be confined to any profession.

Laws are not, and never will be, either made or executed exclusively by lawyers; and no man can properly perform his duties as a citizen, either in a

private or public station, without an understanding and appreciation of the history, traditions and cardinal principles of our government.

Nor is there any study more ennobling than that of the law—for nothing is more potent than example—and no ingenuous youth can ever faithfully pursue it without being inspired with a love of liberty, a lofty ambition, a high desire for a life of public usefulness, patriotism and honor.

But no man can justly estimate to-day the benefits which this single act may confer upon the State, the country, or mankind. We are too apt to think only of to-day, to arrogate to ourselves and to our own lives an importance which does not belong to them, to forget how many myriads have gone before and left nothing to individualize their existence, and to neglect the few and fleeting opportunities for an enduring fame.

Happy indeed is he who can by some beneficent act like this, transmit to posterity his name, coupled with an enlightened scheme for the advancement and improvement of his fellow men. As from the past the names of Harvard, of Brown, of Yale, of Williams and of Dartmouth have been handed down from generation to generation in connection with institutions of learning, so we may well believe that the name of Hastings will be indissolubly connected with this noble foundation so long as laws are known and civilization endures.

Nor is this all. I sincerely believe that Judge Hastings has been only one of the first to perform what others have long intended. California has been munificent in her largess to her sons. Out of

the abundance of her resources she has bestowed wealth upon many; and we may justly hope, that stimulated by this illustrious example, others will hasten to connect their names with this beautiful seat of learning; that they will so endow it as to make it a perfected and rounded University—an University which, standing upon this lovely spot, and overlooking the beautiful entrance to this magnificent harbor, will be a perpetual beacon of civilization and progress, a living monument of "liberty enlightening the world."

Response of Hon. J. B. Crocket, Justice of the Supreme Court of the State.

Mr. President, and Gentlemen of the Faculty:

After listening to the very interesting address of the founder of the "Hastings Law School," and to the eloquent response thereto on behalf of the Directors, it seems to me, I shall undertake a superfluous task in attempting to enlarge upon the themes already so ably discussed. But at the hazard of repeating what, perhaps, has already been better expressed, I may safely assert, that to the enlightened liberality and far-seeing sagacity of the founder of this law school, the University is indebted for one of the most notable events in its history. When a literary institution like this is but commencing its career, in the midst of a new community, which, thirty years ago, consisted of only a few widely scattered hamlets, and a small

number of rude rancheros, it encourages us to hope for the most magnificent results in the future, when we see a gentleman of wealth and culture contribute so large a sum as $100,000 towards founding a law school, to be under the fostering care of the State University. This is, indeed, a notable event, and worthy to be commemorated, as it will be, in the annals of the University, as an act of unselfish patriotism, and of enlightened munificence. It also encourages the hope, that stimulated by the noble example of Judge Hastings, many other gentlemen of wealth will ere long conclude that the wisest disposition they can make of a portion of the abundant means which our Golden State has bestowed upon them with so lavish a hand, will be to endow liberally this great institution of learning, which, we hope, is destined to dispense its blessings to future generations, until California shall become as famous for its men of letters, its great statesmen, its profound jurists, its eminent physicians, its educated artisans, and its intelligent farmers, as it is now for its natural wealth, its fertile fields, its delicious climate, and ever-blooming gardens.

But of all branches of education, there is none with which the welfare of the State and the good order of society is more intimately blended, than with that which elevates the legal profession to the highest standard of merit, both mentally and morally. I need scarcely repeat so obvious a truth, as that wise laws, intelligently and justly administered, constitute the broad and only foundation on which good government and the welfare of society can

ever rest; and at the present time, more than at any previous epoch in the history of our Republic, it behooves every lover of his country to impress this important fact indelibly on his mind.

There are disturbing elements at work, not only here, but throughout a great portion of the civilized world, which seriously threaten, not only the peace and good order of society, but the stability and safety of all well ordered governments. There is but one remedy for this grievance; and that is to be found in the better education of the masses of the people, and in wise laws, justly and temperately, but firmly administered. And to whom are we to look for an intelligent and just administration of the law, except to the legal profession, from the ranks of which the judges of our Courts are necessarily taken? and what is so important a factor in promoting the purity, dignity and usefulness of the profession, and in securing to it the respect and confidence of the people, as that its members shall not only be thoroughly instructed in the law as a science, but shall also be imbued with a high moral sense, and with principles of the most scrupulous professional honor? It is to be the noble mission of the Hastings Law School, under the fostering care of this University, to furnish to the younger members of the profession, and to those preparing to enter upon it, the best opportunity to become thoroughly instructed in the learning of the law, and at the same time to imbue them with those principles of morality, and with that nice sense of professional honor, which should be the crowning grace of every lawyer. Being the only school of

this character on the Pacific Coast, it has before it a wide field for usefulness; and the time, I hope, is not far distant, when many eminent judges, distinguished lawyers, and renowned statesmen, will recur with pride and gratitude to the Hastings Law School, as the copious fountain from which they have imbibed deep draughts of legal learning, and of the purest ethics. Very many of the most eminent statesmen and jurists that our country has produced, were indebted to the mental discipline received at the law schools of Yale or Harvard, for the brilliant success achieved in after life; and may we not reasonably indulge the hope, that what these venerable institutions of learning, with their well conducted law schools, and their long lists of distinguished alumni are to the Atlantic Coast, the University of California, with its Hastings Law School, will hereafter become to the Pacific Slope? That these hopes will hereafter be realized in their fullest fruition, can admit of no reasonable doubt, if our men of wealth shall have the wisdom to imitate the noble example of the founder of this law school; and to what nobler use, I may ask, can any man of wealth devote his thousands or his millions, and what prouder monument can any human being erect to his memory, than to aid in building up a great institution of learning, to educate and elevate the masses, and to diffuse its blessings for ages to come? I conclude, Mr. President, with the confident prediction, that the Hastings Law School will speedily become a grand success, and will add another wreath to the chaplet which is to crown the University of California.

SPEECH

OF

C. P. HUNTINGTON

AT THE

ANNUAL DINNER
TO THE CHIEFS OF DEPARTMENTS OF THE SOUTHERN PACIFIC COMPANY

SAN FRANCISCO, MAY 16, 1900.

ON

"CALIFORNIA — HER PAST, PRESENT AND FUTURE."

TOAST:

"*California — Her Past, Present and Future.*"

RESPONSE BY MR. HUNTINGTON.

SAN FRANCISCO, MAY 16, 1900.

GENTLEMEN OF THE SOUTHERN PACIFIC COMPANY:

Once more we are together at our annual reunion, to my great gratification, and I sincerely hope to yours. If you have looked forward to meeting each other socially, after our custom of so many years, with the same pleasure with which I have anticipated seeing all of you gathered around my table to-night, you are to be congratulated, as I know that I should be; for this occasion is the bright spot in my annual visits to the Coast.

The toast to which I am to respond to-night deals with the past, present, and future of California. If I should tell all I know about the past, I am afraid that you would all be in your beds long before my speech had ended, for it would concern the happenings of the more than half a hundred years that have elapsed since I first landed on the coast. The present we all know. The future no man can tell, though we can all hope that it will be an improvement upon the past and that we shall be able to shun the rocks upon which so many human wrecks have been piled. It should not be difficult for us to avoid them, for they are as

plain as beacon lights along the paths that have been trod by Californians for more than fifty years.

As I traveled up through the State on my way here last March I could not help looking about me amazed—as I have been many times before—at the changes which time and human energy have brought about, and my memory recalled the time away back in '49 and '50 when California was practically a wilderness; when its possibilities were unknown except in one single direction:—that of gold finding. Then there were no home influences to restrain the adventurous spirits which in their hours of relaxation—and there were too many of them—sought for distraction the only forms of pleasure and excitement that seemed open to them. Moral restraint was in those days a question of temperament and self-discipline, only without any of the external helps which are furnished by good women everywhere.

The Argonaut of '49 came not to stay, but to experiment. Sudden wealth, raised as quickly as might be from the auriferous soil, was his sole ambition and intent; and then, ho for the East, for home and a place to enjoy it. He risked everything to clutch the glittering metal, abandoning comfort, society, the companionship of those most dear to him, in the dream of soon

being able to return to his friends, thousands of miles away, with a fortune. Legitimate business was hardly thought of; for that means both time and, in a sense, permanent investment, and no one could wait for small dividends, even if steady ones. All upon their arrival rushed to the mountains to dig out their treasures, some finding success, some disappointment; but of the many who went, few returned, and fewer still came back with gladdened hearts.

Those who gathered gold in the hills scattered it in the valleys; for nearly all those who worked in the placer mines spent their easily-gotten wealth as fast as they made it; and it was pitiful to see bright and vigorous young men flocking to the settlements to waste their money and themselves in riotous living. Some, wrecks of their former selves, wandered back to the mines to make new fortunes; others, ruined by the allurements of pleasure, lingered in the towns, falling lower and lower. Despondency is the nurse of desperation, and as the months went by the settlements began to fill up with a strange and dangerous population. Those who had failed in their attempts to wrest gold from the earth began to cajole it out of the pockets of those who had been more fortunate. Gambling hells, under no restraint, flourished and grew apace; drinking saloons furnished forget-

fulness for desolate and homesick men; vice, in enticing forms, housed itself in attractive habitations, gilded by the gold of those who spent it as freely as they made it.

Life was a grand holiday, and its patron saint was License. Fortunes changed hands on the turn of a card or the throw of dice; and life itself flickered and went out at the click of the revolver. It is a romance which California can never repeat. The types of that era have dwindled in numbers until to-day they can scarcely be found anywhere. There were many good and honorable men in California in the early '50's, but most of the pioneers have passed away, without leaving anything to show the work they did; and in, alas! too many cases, no one knows their final resting-place.

As the years went by a gradual change in the personnel of those who came to California could be observed. Men not only came to stay, but they brought their wives and children with them. Men began to learn that there was better work in California than digging for gold; that the climate was incomparable, and the soil only too glad to respond to the call of the husbandman; that, in short, of all the lands over which the Stars and Stripes floated, California was the one most beautiful and most favored. Many who had gone back to their old homes in the

East and found its conditions hard, came back to California and never again left it. They organized labor; they went deeper into the earth; placer mining was abandoned for the quartz ledges, and expensive machinery was needed to extract the yellow metal from them. Work of this nature called for capital, and large amounts of money could be obtained only by men of known and solid character, who did not spend their means in haunts of vice and idleness.

The men who gathered the vintage of the rocks were men who had lived on higher levels than those who worked the placers in '49 and the early '50's. They kept one element in their life without which growth in any direction cannot long continue—woman. The advent of mothers, wives and sisters changed the whole moral atmosphere as if by magic. California had not been without women in the earlier days, for where men go women follow; but the good women were few and when they became a living part of our population a halo seemed to surround them and bad men shrank away, fulfilling the words of the poet: "The lion shall turn and flee from the maid in the strength of her purity."

To-day mining as an occupation is upon a very different plane from what it was in the early days, and the "man with the hoe" has

improved gradually since he commenced in the middle '50's to sow and reap. You cannot recognize him in Millet's picture, despite the words of your Oakland poet. He is a man not only entitled to, but getting the respect of all men; for he is one of those who help to rule the State. He is not a "brother to the ox," and he holds his head as high as any man's. I must say that he is different from Millet's peasant in another very noticeable respect; for, while the peasant of Millet bows to what he thinks is inevitable and submits without complaint to his hard lot, the farmer of to-day exercises his God-given right to grumble. He often plants but a single thing, instead of several; and he plants, not to serve his own household, but to sell to others; and when, as it sometimes happens in nature, a bad crop is harvested, he growls at his luck, instead of at his bad judgment. It seems to me that the farmer, to be successful, should raise as nearly as possible all that he will need for himself and his family, and have something to sell and it surely is a bad year when there is not something that the farmer raises, that can be sold for more than it cost to raise it.

The success of California, from a farming standpoint, lies in the cutting up of her large tracts of land held by single owners into small,

but sufficient, farms. The problem of successful farming ought not to be difficult to solve; but it does not lie in a path which many have trodden to their chagrin. When a man borrows money to buy and improve large tracts of land, and hires men to do the work, instead of getting what land he can pay for, and making a fair day's wages by his own work, he very seldom succeeds. Many years ago, when passing through Rensselaer County, in New York State, I noticed that the farms were ill-kept; gates were off their hinges, the paint on the houses had faded, and everything was in bad order; and I asked a farmer why he kept things so untidy. His answer was: "We don't own the land;" and I ascertained that these farms were in what was called the Livingston grant, and that the land was all leased, the rental to be paid in kind: so much rye, so many eggs, so many chickens, etc., each year. The rent was not one per cent on the value of the property, and the leases were to continue—to use the language of them—"as long as grass grows and water runs;" but the result was that the occupant, having no fee to the land, had no affection for the ground upon which he lived. It was not his own home, in the true and deep sense of the word. This is largely true of our own State of California. Once let the

man who tills the soil own it outright, and then the school-house and the church come into existence. I understand that there are very large tracts of land in one or more of our rich inland valleys the title to which is so fixed that it cannot be sold, and this, it seems to me, is more than a mistake. It is morally a crime, and the next time the Legislature meets it should see that this wrong is righted; for unreasonably large bodies of land should not continue in the hands or control of single owners, but be divided into smaller tracts, workable by those who own them.

Looking at the commercial aspect of California life, which is the side that has most to do with her future development, it seems to me that Californians have still much to learn before their grand country shall attain to anything like its best. People east of the Mississippi River talk of California as a spectacle, mainly. They come here on a jaunting tour. They come here to see what are to them new and strange things, and all they see is the panorama that passes before their vision. They come to feast on the famed fruits of California, to wonder at her huge trees and tall grasses and flowers developed to a degree which they have scarcely dreamed possible; they come to be over-awed by the grandeur of noted moun-

tains and valleys, of lofty cliffs and silvery waterfalls; they come to sniff the balmy breezes of a semi-tropical climate, and to bask in delightful idleness under sunny skies, and marvel at the scene. They leave us with some reluctance, but still with the delight of anticipation because they have got something to tell their friends when they return; and the wonder grows, and those afar off dream of the day when they too can see the golden glories of California. Few of those who come to see, come to stay; and one of the reasons why they do not stay is because California does not offer a broad field to the business man. This may be an incorrect way of stating it, for the field is broad, but it is not largely cultivated and its possibilities are realizable only to the business pioneer who dares to put his money into an untried enterprise. Capital is particularly cautious. As has been said, nothing is more timid than a million dollars,—except two millions.

A good many of those who have money to invest naturally say of California that, if the people there are afraid to risk money in manufactures, it must be because they think success is extremely doubtful; hence they look upon new enterprises here with a suspicious eye. I remember well, when we were organizing the Central Pacific Railroad movement, how some of

your wisest men here laughed at us, and shrunk away when we asked them to share the risks with us, and the gain, if there should be any; and there was some reason for it away back in the higher '50's, for California was then an isolated region, with practically only one industry—mining; but to-day New York City is only four days distant, and there are many ways of reaching us.

Immediately across the water, where a great door of future trade has been opened to us, the handwriting on the wall seems to me plain enough to be read by all who stroll along our own Pacific Coast, and the question now is, shall Californians be first to get inside; or shall we wait for Eastern daring and energy to show us how to do it, and then follow after? Shall California, or shall some other peoples, gather the material of the world and convert its fibre into woof and webs and yarns, and its pigs and ingots of metal into the long list of shapes and forms needful for man's use, and when this is done, distribute it throughout the world's markets and take the profit that lies in the manufacture? Should not California be the one to do this, and, while reaping the great profit therefrom, do what is almost more valuable to the people of California — establish through these manufactures many industries among

them which shall give work and wage and happy homes to a vast multitude of her citizens?

Philip the Second, of Spain, lives in history as the monarch who taught his country the bitter lesson of how not to do it;—a lesson which caused Spain untold commercial loss. He no doubt believed that he was doing a great thing for his people when he imposed a tax upon all manufactured goods going out of the country and all raw material coming in, while he let the raw material go out free and the manufactured goods come in without tax; but the business of Spain as a nation went down from that time, and any nation commits commercial suicide when she adopts such a policy. The world is wiser to-day than it was then.

The fruit canners of California understand the meaning of what I say, and they are working out the problem in the right way. The canned and preserved fruits of California are steadily winning their way into the markets of the world, and the future holds out magnificent promises. These citizens of California are on the right road, and all honor to them for their enterprise!

You have among you right in this city men who are object lessons for Californians. I do not know of any trade or occupation in which the chances of failure are so large in proportion to those of success as in shipbuilding.

There is required, first of all, a very large outlay of capital in the construction of the plant before any return can be expected. Even after a contract for building a ship has been closed, a single blunder in the building, involving as it does the utmost exactness of scientific engineering and the most complex construction of machinery, is almost the death-knell, commercially speaking, of the ambitious shipbuilder. Yet, in the gentlemen who have made your Union Iron Works known and honored throughout the world, wherever the name of the "Oregon" is mentioned, you find just such business pioneers as I have spoken of, and they have pointed the way to success for those who have the courage to test their commercial sagacity, and in a way that may well be imitated by Californians of large means in other directions and on other lines of labor.

I recollect quite a good many years ago a Californian came to the East seeking capital with which to promote the culture and develop the possibilities of manufacture into fabric of the ramie plant. He had samples of the goods manufactured from the plant, and they were both useful and ornamental, but he could not find in California any man who was willing to put capital into such an enterprise. As I told him, California is the State in which to

start this industry. In the manufacture of not only the product of the ramie plant, but of many things, what is needed here in California is a man of capital to build a modest factory for the conversion of fibre into the finished fabric, for in California a man can live better upon a fixed sum than anywhere else in the world; and the climate is better adapted for continuing work day after day than the climate of any other country that I have ever visited. With a factory not too large, a manufacturer could build up his trade, letting his product increase as it became better and better known and as the market for it widened. I believe the man lives to-day who could start a mill for the manufacture of fibre into fabric and build up an enormous and profitable business by letting the capacity of his mills increase as the market demanded more; so that in a decade of years he could supply the world with one fourth of all the woofs, webs, yarns and cordage used by all the people in it. A great mill of this kind would provide work for an army of men; which means families and houses, trade and prosperity among all departments of traffic and commerce which exist for the comfort and enjoyment of humanity; but to do this requires patience and courage.

The natural agents of California in urging upon the people a development of this kind

should be your newspapers. The journals of the East fairly teem with the triumphs of commercial enterprise in all directions, and recite the bold deeds of capital in new and untried fields, and the world abroad stands aghast at American daring; very much as in ancient times the songs of the deeds of valiant knights rang throughout the land; but there are certain newspapers, great in the particular fields they cover, which seem to take no interest in deeds which tend to build up and foster the resources of your State, but, rather, seek to belittle human endeavor and tear down not only the worthy enterprise which may represent the work of a lifetime of effort, but the edifice of reputation as well. It is true that the newspaper is supposed to voice the wants and temper of the people, but this clearly is not its whole duty. Its power for good is enormous, and whenever the time shall be reached when the liberty of the press shall stop at license, people will breathe easier and the world will be better.

The country press, it seems to me, have been good friends of progress and have extended a hospitable hand to those who would like to come and stay amongst us; yet there are among these some whose editorial expressions have tended to keep people away from the State by imbuing them with the idea that the railroads will eat up

all they can earn if they do come here, but I believe that I see a more reasonable spirit growing up amongst the people, and that they are finding themselves quite as well able to judge of the things that concern their progress and welfare as are the newspapers. They are at last beginning to realize that land which could be bought for a dollar an acre before the railroad reached it, is now worth all the way from ten to fifty dollars; and that it is better for the whole people that the newspapers should strive to build up and not tear down; that all men should be equal before the law, and that all property, whether private or corporate, should be treated alike.

The merchants of San Francisco, for twenty-two years after gold had been discovered at Sutter's Mill, on the American River, received all their supplies and sent all their outgoing merchandise through the Golden Gate, and out of its coming and going they gathered tribute. When the railroad was completed and put in operation in the early '70's, I remember some of these merchants thought they had been wronged and injured by those who introduced this new factor of transportation, and thus interfered with their collection of toll upon the commerce which came to California and which had heretofore come through the Gate between the deep sea

and the inland waters of the State. Of course, all that is changed now, and the people everywhere have learned that the railroad is a different thing from what it was in 1849, when it had just commenced to compete for business with the canal. To-day the railroad is as far in advance of the canal as the canal was of the camel a thousand years before; and while the railroad cannot traverse the seas, it can own ships which do, and together, the locomotive and the ship can make for all commercial purposes a continuous line across the lands and the seas from the point where business may originate to its final destination, and by means of this practically continuous line the railroads can go into successful competition with the seas and the rivers, except in the case of a few articles of heavy tonnage, of little value in themselves, where time and insurance are insignificant factors.

There will no doubt always be ships on the seas controlled independently by men who have no ownership in railroads, and when these get the tonnage they will hold it as long as they can; but the world is moving on, and no people in it are moving faster, more energetically and with more intelligent purpose than are Americans. Certain people are trying to push the Nicaragua Canal scheme in Congress, and if they should succeed in getting the Government to build that enor-

mous ditch, these independent ship-owners will no doubt use it; but let me say—and it is a fact—that, if the Nicaragua Canal should ever be built and there should be a toll charged sufficient to pay 4% interest on the cost of its construction, maintenance and operation, the railroads which compete with it will carry the same goods between the same points, and insure them besides, for less than that interest and maintenance would amount to. But I have no apprehensions that the American people are going to saddle themselves with the vast obligations implied in the building of the Nicaragua Canal and commit a folly which will make them the laughing-stock of the nations. There are too many well-founded objections, and one of them is fatal to the success of the scheme—viz., the just demand on the part of the opponents of the Canal that the bill authorizing its construction shall not be passed unti a fair estimate of the earning power of the proposed canal shall have been carefully made by a committee competent to determine it.

I can in some measure understand why people of the United States living east of the great divide, who have not studied the question thoroughly and intelligently, should see in this proposed water-way a substantial advantage in trade with the Orient, but I confess I cannot compre-

hend how the people of California should be so blind as not to realize that the opening of this international route of commerce will sidetrack the State on all the trade of the Orient taking that route to reach the eastern markets of the United States, and to just that extent take from her seaports the opportunity of a glorious commercial future in her traffic with the nations of Asia.

But it is idle to take time in prognosticating things which are unlikely to happen, when there are so many questions of paramount importance to the State of California and the city of San Francisco. We have in this country seventy-five millions of people, and we in California are on the line between most of them and the open door of China and the rest of the Orient. The trade with eastern Asia has only begun to be developed, and enough is in sight to absorb the attention and the enterprise of the merchants of your city. Great warehouses should be built here, and your merchants should distribute largely this foreign merchandise all over the United States and Mexico and the cities of the west coast as far south as the Straits of Magellan, and supply by this route the cities of the United States as far east as Chicago itself. We cannot compete with the East! is the cry here; and it is my opinion that California never will be able to compete until the present conditions

change; and the only way to bring about the change is to change them ourselves.

When the question of the resumption of specie payments was the great topic of national discussion, after the civil war, Horace Greeley said: "The best way to resume is to resume;" and the country followed his advice and found it not only entirely practicable, but wise. California cannot compete with other communities unless she uses the labor-saving machines that they do; nor can she get a foothold in the markets of the world unless she does what the other communities do—take advantage of the labor markets of the world, which will enable her to make goods and sell them at as low a price as other people can do. The machines that have been invented for saving the labor of men's hands have come to stay, and every intelligent business man recognizes it. The modern bolt-cutter, with a few boys to run it, can make more bolts in a given time than fifty men could have made in the same time seventy years ago—and the machine does the work better. If we do not use it, we will have to buy its product from those who do. Why do not intelligent business men understand as well that the labor of the world stands in practically the same position as the machine? No arguments should be needed here, for the

fact is patent. It may be unorthodox to say this, but it is true, and the sooner California realizes it the better it will be for her people.

Whatever is the truth in the interest of California's progress, no man need be afraid to tell; and my affection for the State, and my desire to see her win a name for herself as a great and prosperous manufacturing community justifies me in speaking out, in the hope that my words may do their part in awakening California to a realization of the spirit of the times and the birth of a grand opportunity. Manufacture is the touchstone of success for a nation or a state; and, on the other hand, if we buy metal in shapes and forms ready for use, instead of the pig; if we buy the woof, in lieu of the fibre, the result is always the same—unthrift, poverty, retrogression, stagnation. The State of California, with its cheap food, rich soil, magnificent climate, and with its immense area—the biggest, except one, of all the States of the Union,—has been in the possession of our people for more than half a century, and to-day she has less than a million and a half of people. If she had allowed her manufacturers to gather the labor of the world wherever they might be able to find it, I believe California would have to-day five times her present population and not over one-fourth of the increase would have been drawn

from the cheap labor of the world. We would then be buying pig and fibre, and selling in the world's markets the finished forms and shapes: the yarns, the webs, and the myriads of mechanical devices which would come from our looms and mills and factories and shops; and which mean hives of industrious and thrifty people, comfortable and permanent homes, societies and organizations for social, mental and physical improvement, schools and churches, and, in short, all the concomitants of a progressive commonwealth. I do not want to see California look backward to the Indian and the hermit for her ideal of life, but upward and forward to expanding fields of industry and enterprise commensurate with her great estate.

Men may prate of the necessity of upholding the dignity of labor, but all labor that is honest is honorable and dignified. Dignity does not lie in the work, but in what a man does with his time and with his wage after his day's work is done. The men amongst us in the State who have had most to say in keeping out labor, were men who did not work themselves, but lived by agitating:—in other words, by their wits. The good workman can generally find work, and can safely trust to that law of the "survival of the fittest," under which men who lead industrious and moral lives, who

have honesty of purpose, and practice an intelligent economy, always thrive; while men who are lazy, who work intermittently, who spend all they earn and deny themselves nothing that they can procure, as surely go to the wall. We want to watch out for and foster American labor in the very best way we can, but we shall not do that by keeping away from a land that needs it, the labor that must be used to bring the State up to the level it ought to occupy by virtue of its manifold and manifest advantages.

It is not to be expected that California will at once bloom out into a great flower of industry and manufacture, for these things take time and patience; but what we want is men of force, determination and personal courage, who will be contented to start in a small way, building up gradually, but steadily, as their knowledge of the business increases and as their market widens; who will be willing to risk all upon their business venture, upon the building up, from a solid foundation, of a superstructure of business enterprise; who will continue to put into it all of their money, if need be, and all of their personal and financial reputation; then wait for the results which can confidently be expected. A great manufacturing concern can only be built up after years of patient endeavor, shrewd observation, and steadiness of

purpose; for its market must be developed and the quality of the goods it turns out must become well known. But when its trade-mark shall have become a familiar token in all the marts of the world, and when that trade-mark shall be an assurance to the buyer that whatever the concern sends to him will always be the best of its kind, success is certain and permanent. The value of an established trade-mark cannot be overestimated, for it is in itself the testimonial of reliability and of value received. It is the tacit guarantee of full weight and measure, and the producers who furnish the concern with the raw material, as well as the buyers of the finished product, will be equally interested in sustaining the label which, like the goods themselves, will have a steady value in the market and give strength to every industry connected with it.

If a man will begin in this way and live temperately and economically, making his business his first care and compelling all mere social allurements to stand aside and bow to the dominancy of his aim; if he will always give to those who want them the best wares that he can sell for the money he receives; it will be but a few years before he will have wealth, experience and a business reputation that will enable him to direct wisely his business, however

large and far-reaching it may be. Great things in commerce, as in war, are, with few exceptions, done by one man at the head. No great battle ever was—or probably ever will be—fought and won by two generals of co-ordinate power commanding the same army. There may be many lieutenants, but there must be only one chief. In commerce the man who succeeds must lead, not share, in the authority which directs his business. California's best men must come forward willing to devote themselves and their whole lives, if need be, to the work of turning this way the great commerce of the Orient which has for so many years been going westward and enriching the nations which control that great traffic. San Francisco, by right, should be the great entrepot for the United States of all the treasure which can be drawn this way, and she must make up her mind to fulfill a destiny which is hers for the effort. We must turn the line of trade from the setting to the rising sun. The days of the old past, when California's commerce consisted of the exchange of hides, hoofs, horns and tallow for the manufactured goods that her people were compelled to have, are but a memory. Another people are here; a people of whom something far different and far better is expected; a people who, in the main, grew out of the amalgamation of the Saxon, Dane and

Norman with the native races of the British Isles. From such a combination Macaulay tells us, sprang the best race of men that has ever inhabited the earth, and I think all the men of that race believe it; but let us give cumulative evidence of this by showing the world what we can do. The opportunity is now present, while the door of eastern Asia is open.

The Government of the United States—thanks to the far-sightedness and firmness of its chief executive and his advisers—has announced a policy of national development, and is upholding it to the very letter, as well as spirit, of its determination. It is too late now to ask why we are in the Philippines, even if there are any of us who would. We are there rightfully, according to all the laws and ethics of nations, and we are there to stay. We should no more give up those Islands than we should give back Louisiana to France or California to Mexico. The burning question of the hour is, What shall we do with those Islands? First of all, stand by the Flag and the President of the United States; then insist upon it that the men who are to be at the head of government in those Islands shall be guided by honesty of purpose and give to the Filipinos the most exact justice that can be administered. As we do to them, so they will do to us, and if we

treat them kindly and justly, be assured that they will pay us in kind. Let us make life, liberty and property in the Islands of the Pacific safer under the American flag than it has ever been before, and let us lift those people to a higher level than it has hitherto been possible for them to reach. The task of establishing there a government which shall educate these people to an affectionate love for the republican institutions of America, is one which, it seems to me, any good citizen of our country might be proud and happy to attempt, and I know of no work that should be more congenial to a man who still has his youth and strength and is ambitious for a good reputation that shall endure. As a nation we have much to apologize for for our treatment of the Indian and the Negro. We have practically wiped the former out of existence, and we have broken the spirit of the other; but we no longer traffic in human flesh, and we are trying to make amends in part for the wrongs that we inflicted upon the Indians for hundreds of years.

Let us show to the world that we do not propose to repeat in this country the terrible atrocities that were enacted at Rock Springs and Seattle, and that we as a nation propose to treat all men with fair and equal justice, without distinction of race or creed. Let us as

a people make no further mistakes along the old lines of oppression and neglect. All nations have their fall, as well as their rise. They come up on one side of the wheel of fortune, reach the apex of success, and sink down on the other side. They round the circle, some in a longer and some in a shorter period, but they all complete it in time, and the causes which determine the time are the deeds which uplift or degrade human character. If we deny to the individual, no matter what his creed, his color or his nationality, the right to justice which every man possesses, there will be no enduring prosperity and decline will surely follow. If, on the contrary, we establish and maintain as a principle of our national life the right of every man and of all property to be treated fairly and equally before the law, there is hardly a limit to the splendid success that the people of our republic can gain and hold, and along this line of effort every man in California should stand by his Country and his Flag.

In our treatment of the inhabitants of the Philippine Islands we have the opportunity to show to the people of all the nations that we are working for the world's good. We will not send Puritans to them, for the Puritans were men of uncompromising dogmas, despite their many virtues. Let us send them, rather,

the Pilgrims of Progress, who will not seek to turn them from their religion or quarrel with them because their theology is different from our own, or try to convince them that our Christ is better than their Confucius, or their Buddha, or their Mahomet, or any other of the great law-givers that the world has known. Let us not dispute with them about the land beyond the dark river, or the things that no one knows or ever can know; but give them the best of that which we have, seeing to it always that the beam is just on the balance and that the measure is full, so that each may have his own.

From the Filipinos let us go to the Chinese, amongst whom will be found some of the best men that have ever lived. Let us offer to commingle our civilization with theirs, and agree with them to keep the gates of commerce wide open. If we do these things, we will as a nation succeed; for Commerce is King; and if the great and good men of California will stand forth and do their part in the grand work, then the future of California will be known, as well as her past and her present.

23

Single Standard

. . and . .

Sound Money .

THE · FACTS · OF · HISTORY

AN ADDRESS

Delivered by invitation before the State Camp of California Farmers, August 15, 1895,

- BY -

JOHN P. IRISH

OAKLAND:
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SILVER STANDARD AND SOUND MONEY.

THE discussion of the financial policy of this country has been quite needlessly incarnadined by epithet and invective, and charges of criminal collusion between public officers and private parties, to the injury of the people.

This course seems to have been taken in the conviction that the people can be moved quickest to a conclusion by making them believe that they have been wronged.

To this end the coinage act of 1873 has been studiously represented as suddenly sprung and covertly passed to demonetize silver, and it is to this day charged that that act, by omitting the silver dollar from our list of coins, struck out of existence one-half the unlimited legal tender money of final redemption, leaving credits and prices to rest on the other, or gold, half of such money.

I am here to day to cite authorities for the historical facts which bear upon the position of gold and silver in our coinage and their relative importance and volume as money. I will also state plainly the relation of silver to prices, and give the conclusions reached by wise observers as to the effect of free coinage of silver at a ratio of 16 to 1, undertaken by the United States or any other nation, alone.

The views to which your attention is invited are derived from the operation of certain natural laws which govern the selection and circulation of money and the choice of a standard of value and a medium of exchange. It must be understood that legislation can no more change these than any other natural laws and that to attempt it is as idle as to attempt to change the law of gravity by "an Act entitled an Act."

The coinage act of 1792 made all silver coins, from half dimes to dollars, unlimited legal tender at a ratio of 15 to 1. The act of 1793 provided that the President announce by proclamation the beginning of gold and silver coinage at the mint,

and at the expiration of three years thereafter all foreign coins, except Spanish milled dollars and parts of such dollars, should cease to be a legal tender.

The act of 1806 restored the legal tender quality of foreign gold and silver coins by suspending for three years the effect of the act of 1793.

The act of 1834 again gave unlimited legal tender quality by tale to the silver dollars of Mexico, Peru, Chili and Central America and the five-franc piece of France, and to the gold coins of Great Britain, Portugal, Brazil, France, Spain, Mexico and Colombia, by weight. This was done to secure the coin metals for conversion into American coins, and was the bullion policy of Jackson, in line with his celebrated "specie circular."

The act of 1843 extended and continued legal tender by tale to the Spanish silver dollar and the dollars of Peru and Bolivia.

The act of 1853 limited to five dollars, the legal tender of all United States silver coins of denominations below the dollar.

The act of 1857 repealed all former laws giving the legal tender quality to foreign gold and silver coins, and that denial to such coins of legal tender power has never been recalled. The foregoing facts will be found in Brightley's Digest, edition of 1858, page 151 printed by Kay & Brother, Philadelphia.

The reader will observe, then, that after the act of 1857, the only unlimited legal tender coins, the money of final redemption, existing in the United States were our gold coins and the American silver dollar. The total coinage of the two metals, including silver dollars and fractions thereof, from 1792 to 1857 was:

Gold.....$481,660,968.44.
Silver.....$106,958,019.53.

As the acts of 1853 and 1857, working together, struck out of our volume of unlimited silver legal tender money our own subsidiary silver coins and all foreign silver, the only part

of our silver that was unlimited legal tender in the above total of $106,358,019.53, was the dollar. (For above figures see Report on the Finances 1861, page 209, Executive Document No. 3, 38th Congress, 1st session.)

The number of silver dollars coined from 1793 to 1857, inclusive, was $2,670,640; (see report of Director of the Mint, 1889, page 263).

It is obvious, thererefore, that if all the silver dollars that had been coined, were still on duty in 1857, with all of the gold coined, the money of final redemption existing by law, was:

Gold..... .....$481,669,968.44.
Silver.....$2,670,640.00.

Or in the proportion of 180 dollars in gold to one in silver.

The next act affecting coinage, was that of 1873. In 1861 the Director of the Mint in his report called attention to the disturbance of standards caused by the silver dollar. In his report for 1863, (see page 191) he said:

"Permit me again to call attention to the anomalous "character of the silver dollar of the United States, and to the "remarks on this subject in my report for the fiscal year 1861. "The dollar is our unit of value, but the value of the gold and "silver dollar under existing laws is not the same, and there- "fore we have no certain and determined standard of value. "Gold being more fixed and certain in its valuation, is not "only better than silver as a standard of value in our monetary "system, but better expresses the equivalent value of foreign "coins in our currency, and therefore the gold dollar should "be adopted by law as the unit value of our money. For "silver there is no fixed legal valuation, the law providing "for the shifting of price according to the condition of supply "and demand."

In 1869 the Secretary of the Treasury drew an Act to reorganize the Mint and define the coinage. This act was sent out to financiers, experts and business men for an expression of their views upon its features.

It provided for a reduction of the weight of the silver dollar to 384 grains and the limitation of its legal tender to

$5.00, making it a subordinate coin. After criticisms and suggestions were received this feature was omitted, and as amended the Act and the correspondence were printed by order of Congress. This document was so widely distributed that no surplus copies remain in Washington city, and only after long search did I secure this copy which is subject to your inspection, from my friend Hon. Robt. Barnett, chief clerk of the Mint. You will observe that this document was issued from the Government Printing office in 1870, three years before the passage of the Act which it explains and discusses.

On page 19, Robert Patterson of Philadelphia says, under bold face subhead lines:

SILVER DOLLAR, HALF DIME, AND THREE CENT PIECE DISCONTINUED.

"The silver dollar, half dime, and three cent piece are "dispensed with by this amendment. Gold becomes the "standard money, of which the gold dollar is the unit. Silver "is subsidiary, embracing coins from the dime to half dollar."

On pages 30 and 31, Mr. Linderman, who had been Director of the Mint, says:

DISCONTINUANCE OF THE SILVER DOLLAR.

"Sec. 11, reduces the weight of the silver dollar from "412, 1-2 to 384 grains. I can see no good reason for the "proposed reduction in the weight of this coin. It would be "better in my judgment to discontinue its issue altogether. "The gold dollar is really the legal unit and measure of value. "Having a higher bullion value than its nominal value, the "silver dollar long ago ceased to be a coin of circulation; "and being of no practical use whatever, its issue should be "discontinued."

On page 38, Mr. J. Ross Snowden says:

"I see it is proposed to demonetize the silver dollar. "This I think unadvisable. Silver coins below the dollar are "not now money in the proper sense, but only tokens. I do "not like the idea of reducing the silver dollar to that level. "It is quite true that the silver dollar, being more valuable "than two half dollars or four quarter dollars will not be used "as a circulating medium but only for cabinets and perhaps to

"supply some occasional or local demand; yet I think there is "no necessity for so considerable piece as the dollar to be "struck from metal that is worth only 94 cents. When we "speak of dollars, let it be known that we speak of dollars not "demonetized and reduced below their intrinsic value, and "thus avoid the introduction of contradictory, and loose ideas "of the standard of value."

Hon. George F. Dunning, on page 44, submits his ideas in two sections of the proposed bill, under the subhead:

GOLD AND SILVER COINS.

"Sec. 10. And be it further enacted: That the gold "coins of the United States shall be a dollar, a quarter eagle, "or two dollar and a half piece, a three dollar piece, a half "eagle or five dollar piece, an eagle or ten dollar piece, and a "double eagle or twenty dollar piece and the weight of the "gold dollar shall be twenty-five and eight tenths grains, and "the other gold coins shall be in the proportion of twenty-five "and eight tenths grains to one dollar of value, and these coins "shall be a legal tender in all payments:

"Sec. 11. And be it further enacted, that the silver coins "of the United States shall be a dollar, a half dollar, a quarter "dollar, a dime or tenth of a dollar, a half dime or twentieth of "a dollar, and the standard weight of the silver coins shall be "in the proportion of 384 grains to the dollar, and these coins "shall be a legal tender in all payments not exceeding five "dollars."

Several others discussed this feature of the bill. It is interesting to observe the plain evidence in this discussion that silver had up to that time played a very minor part in our coinage and currency, or as a basis of credit or a factor in prices.

In the eighty years, from the beginning of our coinage to 1873, our total silver coinage including half dimes, dimes, quarters, halves and dollars, amounted to only $143,464,150.70.

Our gold coinage during the same period according to one set of statistics amounted to $850,000,000, and according to another to $1,050,166,568. So it will be seen that our total silver coinage was only from one-fifth to one-seventh the amount of the gold coinage, and was only about 13 per cent of the total coinage of the two metals.

But, as it is admitted, that only the money of final redemption, of unlimited legal tender, has any potency, to sustain credit, when we reflect that of this total silver coinage only $8,031,238, was in the unlimited legal tender silver dollar, and that such silver dollar had been the only silver money of final redemption since 1857, the legal tender account of the two metals at the close of eighty years coinage in 1873 stood:

Unlimited legal tender gold.....$1,050,166,568.
" " " silver.....$ 8,031,238.

Therefore, when the Act drawn in 1869, published to the country and discussed in 1870, finally passed in 1873 omitting the silver dollar from coinage and making the gold dollar the unit of value, instead of striking out half of our unlimited legal tender currency, affected about one per cent of it, and that one per cent in the form of dollars that were not used, circulated nor demanded by the people.

This bill first passed the Senate in January 1871 and was reported favorably by the House Committee, but was not reached that session. More than two years later, February 1873, the bill passed both Houses, after long discussion, and became a law.

It was proposed and recommended in 1861, and was in some form before the country and Congress continuously for twelve years before it became a law. No legislation since the adoption of the Constitution has been accomplished under circumstances of greater publicity, more prolonged discussion, with less necessity for secrecy, or freer from any temptation to criminality and unfairness.

Prices.

We are asked to believe that the prices of the staple products of the country depended upon the volume of silver dollars in our currency, and that the market value of an ounce of silver was mysteriously equivalent to the price of a bushel of wheat and affected the price of a pound of cotton.

The average prices of wheat and cotton in New York, the export market, from 1825 to 1894 (See Report of Secretary of

the Treasury for 1863, pages 362 to 400, and for price of silver Report of Secretary for 1894, page 287, and for prices since 1863, McCarty's Statistician 1894, page 226,) were as follows:—

	WHEAT.		COTTON.		OZ. OF SILVER.
1825	.88	@ .96	16½	@ .20	
1826	.91	@ .97	10½	@ .11½	
1827	.98	@ 1.00½	09	@ .10½	
1828	1.21½	@ 1.22½	09	@ .11	
1829	1.22	@ 1.27	08	@ .10	
1830	1.06	@ 1.08	09	@ .11	
1831	1.17	@ 1.20	08	@ .10	
1832	1.25	@ 1.27	08	@ .11	
1833	1.19¼	@ 1.19½	11½	@ .13½	$1.297
1834	1.04½	@ 1.07½	11⅓	@ .13¾	1.313
1835	1.21	@ 1.23	15½	@ .18	1.308
1836	1.76	@ 1.80	14½	@ .18¾	1.315
1837	1.70	@ 1.85	10½	@ .13½	1.305
1838	1.87	@ 1.97	10½	@ .11	1.304
1839	1.22	@ 1.27	13	@ .13¾	1.323
1840	1.02	@ 1,09	08½	@ .09	1.323
1841	1.15	@ 1.22	09¾	@ .10	1.316
1842	1.13	@ 1.15	08		1.303
1843	.96⅛	@ 1.00	06½	@ .06¾	1.297
1844	.95	@ 1.00	06½	@ .06¾	1.304
1845	1.00	@ 1.08	05½	@ .07	1.298
1846	1.05	@ 1.12	07¼	@ .07½	1.300
1847	1.31	@ 1 42	10¼	@ .10½	1.308
1848	1.12	@ 1.21	06	@ .06½	1.304
1849	1.22	@ 1.26	07¾	@ .08¼	1.309
1850	1.26	@ 1.29	12	@ .12¾	1.316
1851	1.00	@ 1 10	09¾	@ .10¾	1.337
1852	1.08	@ 1.13	09		1.326
1853	1.37	@ 1.41	10½	@ .10¾	1.348
1854	2.17	@ 2.25	09		1.348
1855	2.41	@ 2.46	09¼		1 344
1856	1.68	@ 1.83	10¾		1.344

	WHEAT		COTTON.		OZ. OF SILVER.
1857	1.63	@ 1.72	14		$1.353
1858	1.28	@ 1.37	11½	@ .14½	1.344
1859	1.37	@ 1.50	11¼	@ .11½	1.360
1860	1.45	@ 1.54	10½		1.352
1861	1.38	@ 1.47	16	@ .16⅔	1.333
1862	1.35	@ 1.43	41	@ .41½	1 346
1863	1.57	@ 1.71	74	@ .74¾	1.345
1864	1.33		82		1.345
1865	1.95		76		1.338
1866	1.41		42		1.339
1867	1.27		30		1.328
1868	1.90		19		1.326
1869	1.39		24		1.325
1870	1.29		23		1.328
1871	1.32		14		1.326
1872	1.47		19		1 322
1873	1.31		18		1.298
1874	1.43		15		1.278
1875	1.12		15		1.246
1876	1.24		12		1.156
1877	1.17		11		1.201
1878	1.34		11		1.152
1879	1.07		09		1.123
1880	1.25		11		1.145
1881	1.11		11		1.138
1882	1.19		11		1.136
1883	1.13		10		1.110
1884	1.07		10		1.113
1885	.86		10		1.064
1886	.87		09		.994
1887	.89		09		.978
1888	.85		09		.938
1889	.90		09		.935
1890	.83		10		1.046
1891	.93		10		.987
1892	1.03		08		.871
1893					.780
1894					.637

The great advance in cotton beginning in 1862 was of course caused by the war and the blockade, and was exceptional. It will be seen that for twenty years, in the period 1833-94 cotton was at 10 cents and below down to 5½ when silver was at $1.29 and above per ounce; and in seventeen years of the same period wheat was below $1.29 per bushel when silver was above $1.29 per ounce, and in nineteen years wheat was higher per bushel than silver per ounce. In ten years since 1873, wheat has been higher per bushel than silver per ounce.

The study of these very interesting tables of prices will surely disprove the often made assertion that there is a direct connection between the price of silver and the price of these two great staples of agriculture. If it be claimed that the volume of legal tender silver affect prices, we find that in 1858, when we had coined only $2,670,640 of such silver, wheat was $1.28 per bushel. Since 1878 we have acquired in such silver dollars $421,776,408, or 157 times as many silver dollars as when wheat was $1 28 per bushel, and if the volume of legal tender silver affect price, why isn't wheat worth 157 times as much as in 1858?

If it be said that the amount of money per capita in the country affect prices, the price of wheat in 1860, was $1.45 per bushel, the money per capita was $13.85. In 1894 the per capita circulation was $24.28, nearly double 1860, while wheat instead of doubling was less than half the price of 1860.

Does it not appear that the attempt to connect prices with silver and incidentally with the volume of such currency is making use improperly of low prices to induce the people to make a radical and dangerous change in our financial system which may greatly injure public and private credit?

Some high economic and financial authority is given for the statement that values go up with an increase in the volume of standard currency and go down with its decrease. In other words that an increase in the volume of the standard of value increases value. It may be readily admitted that inflation of currency inflates prices, but does it increase values?

The standard of value is fixed by the dealers in values, the business men of the commercial world. If currency as a medium of exchange as distinguished from the standard of value, be inflated its purchasing power is lowered. The dealers in values exact enough of it for the things of value sold in the market place to make up their true value in the real standard. To illustrate. The standard of value in all the great commercial nations, our own included, for nearly a century has been gold. If we slip to a silver basis for our currency when the actual value of a silver dollar is 50 cents in gold, it will be at once observed that prices have apparently doubled. What cost 50 cents on a gold basis will cost $1 00 on a silver basis, which will mean simply that the dealers in values are merely charging enough in silver to equal the actual value of the article in gold, and that the apparent rise in prices is actually a fall in the purchasing power of the current medium of exchange.

Here we must separate price from value. When the price of a pair of boots in the late Confederacy in Confederate money was $4,000 the value of the boots in gold was $4.00, and the transaction meant that $4,000 in Confederate money had only the purchasing power of $4.00 in gold.

Without the same wide divergence the same principle appeared in the North in prices under greenback inflation. When pork brought $10 per hundred in greenbacks, its value in gold was $3.33⅓ and the transaction meant that the purchasing power of greenbacks was only ⅓ that of gold.

If it were true that the volume of currency as a medium of exchange controlled values there could be made no argument against an indefinite increase in that volume If a circulation of $1,000 per capita could increase the value of wheat to $100 per bushel and of cotton to $25 per pound why not do it? The value of things is determined by the human need of them and their supply, and the men who produce and deal in these things select the most stable standard in which that value is to be measured. It is wise that the legal standard shall be made to conform to this actual standard and the nations have but followed the line of natural selection, by adopting gold.

This delusion of the connection of silver with prices is not of obscure origin. It arises by treating silver not only as a product, but a consumable product, which having entered into consumption ceases to be. Consumable products mutually affect prices. If barley be scarce and high, hay as an animal food substitute will rise in price. If flour is high, corn meal, oat meal, rye flour and other substitutes and other human food products will advance.

When food is high, however, the fibres and fabrics fall in price. Food and drink are the first, the primary necessities of life. Clothing and shelter are secondary necessities. Therefore, when food is high the belly is filled at the expense of the back, and wool and cotton fall in demand and in price.

The medium of exchange or the metal from which the standard of value is coined, as it does not enter into consumption and disappear, is entirely insensible to the sympathy that exists between the consumable products, the articles whose relative value to each other in the market place, is measured in the standard of value which the dealers may choose to adopt.

The Public Credit.

The means taken to protect the public credit are used to point the argument for free coinage of silver at a ratio of 16 to 1, independent of the rest of the world.

The Government is like an individual in respect to its outstanding obligations. Its credit is sustained by meeting them or is destroyed by failure to do so. Those who administer the Government are under equal obligation to maintain the public credit in time of peace and the public honor in time of war. One obligation is as sacred as the other, and an Administration which takes the necessary responsibility to keep credit inviolate is as worthy of patriotic praise as one which keeps the Union undivided by domestic foes or its soil undefiled by foreign enemies.

The recent peril of the public credit, in which we ran the risk of suspending specie payments and insolvency of the

treasury, was brought about by the imposition of legal obligations, which the Secretary must meet.

The act of January 14th, 1875, for resumption of specie payments, provides that it shall be the duty of the Secretary of the Treasury to redeem and retire the legal tender notes (greenbacks) in excess of three hundred millions, as the same are replaced by National Bank notes.

The act of May 31st, 1878, changed this and made it unlawful for the Secretary "to cancel or retire any more of the "legal tender notes (greenbacks). And when any of the "said notes may be redeemed or be received into the treasury "under any law or from any source whatever * * * they "shall not be retired but they shall be reissued and paid out "again and kept in circulation."

The act of January 14th, 1875, provides that for the purpose of redeeming such notes the Secretary of the Treasury shall use the surplus revenues, or shall "issue, sell and dis- "pose, at not less than par in coin, bonds of the United States "* * * to the extent necessary to carry this act into effect."

The act of May 31st, 1878, checked the retirement of the greenbacks before their volume had been decreased to three hundred millions, and made compulsory their coin redemption and immediate reissue.

When there were surplus revenues in the treasury the retention of a reserve to redeem these notes was not difficult. But when a deficiency appeared, the funds were depleted by current expenses, and compulsory redemption became possible only by resort to the issue of bonds authorized by the act of 1875.

Disputes over the specific creation of a reserve are idle. The maintenance of the public credit requires that the treasury shall be ready to redeem on demand. To wait until the reserve is exhausted and then wait to see if any more greenbacks will be presented would be an indefensible policy.

If a demand for redemption found no fund on hand it would be a suspension of specie payments. The greenbacks

would fall to a discount, and gold rise to a premium. Then, if the treasury went into the market with bonds to raise the required redemption fund, of course they would not bring par, and compliance with the law of 1875 would cease to be possible without such a discount on the bonds as insolvents have to stand to raise money.

So much for the legal obligations of the treasury respecting the greenbacks.

The other burden is imposed by the Sherman act of July 14, 1890, for the purchase of silver bullion and by the issue of silver notes authorized by the act of 1887. This second obligation is summed up in the fifth and sixth paragraphs, section 2, of the act of July 14, 1890:

"That upon demand of the holder of any of the treasury "notes herein provided for, the Secretary of the Treasury "shall, under such regulations as he may prescribe, redeem "such notes in gold or silver coin, at his discretion.

"It being the established policy of the United States to "maintain the two metals on a parity with each other upon "the present legal ratio, as may be provided by law."

It will be seen that the last paragraph controls the preceding discretion given to the Secretary. The present legal ratio is 16 to 1—sixteen ounces of silver being legally equal to one ounce of gold. Last Friday, August 9th, fine silver was 66 cents an ounce and sixteen ounces were worth $10.56, and the actual value of an ounce of fine gold is $20.67. It should be plain, therefore, that to maintain the legal ratio the treasury must redeem silver in gold, the silver notes of 1887 and the treasury notes of 1890 paid out for silver bullion must, on demand for redemption, find gold in the treasury, or the legal and artificial parity of the two metals, required by law to be maintained disappears, and the actual disparity of $10.11 between one ounce of gold and sixteen ounces of silver takes its place.

Remember, too, that the treasury must redeem and may reissue, not retire, these notes, and you get the measure of the second bunghole legally provided for the escape of the gold that trickles in through the spigot of a bond loan. The volume of these three forms of currency is as follows:

Greenbacks	$346,681,016 00
Silver certificates, act of 1887	337,712,504 00
Notes, act of 1890	151,140,568 00
Total	$835,534,088 00

That sum is covered by the laws, and imposes the obligation of redemption, reissue and legal parity, which I have quoted above. The burden is great enough without adding the $118,633,349 of gold certificates and currency certificates of 1872, which bring it up to $944,167,437.

The segregation of a reserve is not necessary, but readiness of the treasury to maintain the public credit was made necessary by law, and this necessity was met by the retention of a reserve of $100,000,000, and this lawful precaution of the treasury was affirmed by the act of July 12, 1882, which authorizes the issue of notes against deposits of gold coin, "Provided that the Secretary of the Treasury shall suspend the "issue of such gold certificates whenever the amount of gold "coin and gold bullion in the treasury, reserved for the "redemption of United States notes, falls below one hundred "millions of dollars."

The advocates of free coinage of silver declare that the treasury should redeem these obligations in silver. But they ignore the law which compels the treasury to keep silver and gold on a parity at a ratio of 16 to 1. To explain the meaning of parity and ratio—let it be understood that when the value of an ounce of fine silver in the market is $1.2929, sixteen ounces of silver are worth $20.68 while one ounce of fine gold is worth $20.67. If these are natural conditions no statute is necessary to keep the metals at a parity on such ratio. But they are not natural conditions and have not been. To artificially keep sixteen ounces of silver upon an equality with one ounce of gold, and to hold the purchasing power of a silver dollar at 100 cents, the treasury must hold a gold dollar behind every silver dollar, and it can do this only by redeeming the silver certificates and greenbacks in gold.

If a farmer make a contract with his neighbor to hold his prunes and potatoes at a parity on a ratio two pounds of

potatoes to one pound of prunes, and potatoes are worth in the market a half cent a pound and prunes are worth 10 cents, he can redeem his obligation only by making good the difference between the market rate and contract ratio of potatoes and prunes.

The treasury, under the laws I have cited, is made a bank of issue without the power to protect its reserve by cancelling the currency which it redeems. The revolving obligation is continually redeemed but never paid. The plain remedy is to pay the obligation and cancel it. But only Congress can apply this remedy. It should authorize an issue of bonds to the amount of $346,000,000 for the purpose of redeeming and retiring the outstanding greenbacks. Then this burden would be lifted from the treasury and the process of retiring the floating debt of the Government begun by the law of 1875 would be finished. Unless this remedy is applied it will be possible to continually drain the treasury of gold whether derived from taxation or the sale of bonds.

The Government has had to resort twice to bond loans for this purpose and has been driven to use the last possible prop of the public credit made necessary by the failure of Congress to do its duty, and has contracted for an importation of gold to make good the reserve, and to continue until October. When this contract became operative the public credit was so strengthened that private credit felt the impulse and thence dates a revival of business which has favorably affected the market for securities and products and has advanced the wages of four millions of workingmen.

It is in connection with this matter of maintaining the public credit that the silver question is of prime interest to the farmers. The advocates of free coinage at 16 to 1, independent of the rest of the world, no longer deny that it would cause an immediate slump to a silver basis, that gold would go to a premium and cease to be currency. This would cause our entire paper currency to fall in its purchasing power from 100 cents down to the level of silver. The National Bank notes would join in the tumble.

On July 1st, 1894, the money in the country consisted of—

Gold coin	$ 627,293,201
Silver dollars	548,000,032
Subsidiary silver	76,249,925
Gold certificates	66,387,899
Silver certificates	337,148,504
Treasury notes of 1890	152,584,417
Greenbacks	346,681,016
Currency certificates of '72	59,235,000
National Bank notes	206,854,787
Total	$2,420,434,781

It is admitted that free coinage of silver removes the gold at once from the volume of currency, which means an immediate loss in volume of $627,293,201, leaving in the country $1,793,141,580 of money, the purchasing power of which would fall at once to the actual level of silver, or to 50 cents on the dollar. We would then have left a total money potency of only $896,570.790, and would suffer an actual shrinkage in the potency, or purchasing power of our currency, in the appalling amount of $1,523,863,991.

You are invited to do this thing because you are in debt, and it takes more bushels of wheat and more pounds of cotton to pay a dollar of debt than when you borrowed the dollar. The only safety for a debtor is in the stability of credit. The average term of a farm mortgage in this country is five years. If credit is good the borrower may at maturity extend his debt for another term. If credit is bad he must pay. What worse condition of credit can you fancy than to put it on the basis of repudiation of such percentage of your debt as is represented by a fall in the price of your products between the date and maturity of your mortgage? No one proposes to make this work both ways.

In 1851 wheat was $1.05 a bushel. In 1855 it was $2.41 a bushel. To apply the argument by which farmers are moved to this policy, to the creditors' interest, if he loaned $100 in 1851 which 100 bushels of wheat would pay at that

year's price, when the debt matured on $2.41 wheat why should he not have his 100 bushels?

Stability of credit, of financial conditions, of the standard of value is the best for all business. Yet this argument puts credit at the mercy of wind and wave, of fire and frost and storm. Human wisdom and foresight will no longer be of value in fixing the foundation of things, but the chinch bug and weevil, the grasshopper and cut worm, the cottony cushion scale and the cushiony cotton scale, the ground squirrel and gopher, moth and rust, will by their presence or absence determine whether debts are to be paid or repudiated. To help on this destructive advice, statements of the world's indebtedness are made and its hopeless excess over the world's stock of money is demonstrated, and many good people have been made to believe that all this debt is due and payable at once and somebody called a "gold bug" is about to foreclose a mortgage on the planet and sell it at sheriff's sale.

Why Silver Fell in Price.

There is no mystery in the fall of the price of silver. That metal stood from 1792 to 1872 at $1.29 per ounce and above, and during that eighty years the total production of silver in the world was $2,731,442,000, or an average production per year of $34,143,025.

Since 1873 silver has fallen in price and increased in production. In the twenty years from 1873 to 1892 inclusive, the world's total production of silver was $2,346,087,000, or an average of $117,304,350 per year.

The silver product and price account for the century ending in 1892 stands:—

	PRODUCT PER YEAR	PRICE PER OZ.
80 years to 1872,	$ 34,143,025.	$1.29+
20 " " 1892,	$117,304,350.	$1.09 average

Average increase of product per year $83,161,325. Average fall in price per year 1 cent per ounce.

It would seem that this branch of the subject requires no further illustration. The effect and the cause are obvious.

I have aimed to cite in the foregoing statement historical facts on authority that cannot be questioned, and I submit that the verdict upon the proved facts must be that private prosperity and public credit rest upon sound money and a single standard of value. That with currency in the country to the amount of about two and a half billions, every dollar of it now equal to the gold dollar of final redemption, and exchangeable for it at par, only a frenzied vision can see in the situation the need of entering upon a doubtful experiment on the plea that the happiness of our people lies in competing with China in the depreciation of our medium of exchange.

Against the issuance of Bonds in time of Peace.

SPEECH

OF

HON. GROVE L. JOHNSON,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. JOHNSON of California said:

Mr. SPEAKER: I desire to state the reasons why I, as a Republican, oppose this bill. [Applause.] I went over my district in California recently, and upon every stump in that district I proclaimed the undying hostility of the Republican party to the issuance of bonds in the time of peace. [Applause.] I proclaimed the undying hostility of the Republican party to the action of the President of the United States and the Secretary of the Treasury in issuing bonds in time of profound peace to defray deficiencies in the revenues, caused by their own conduct, in making contracts with a bond syndicate, that would not bear investigation by a hostile Congress. [Renewed applause.] And I regard this bill as giving the lie to everything we said before the elections in reference to the issuing of bonds; and for one I can never by any act or vote of mine condone what I believe to be an error not merely of the heart, but of the head; not merely of general policy, but an error arising almost to the dignity of an offense against the commonwealth, of allowing the bonds of the United States Government to be taken and controlled in the manner they were by the Treasury of the United States and a bond syndicate in a time of profound peace. [Applause.]

This bill, in my judgment, stamps the seal of approval by the Republican party upon the action of these officers and upon the

issuance of these bonds in the manner I have stated. It continues in force the laws which now authorize the selling of bonds at 4 per cent and at 5 per cent, and in addition to that gives authority to the Treasury to issue bonds at 3 per cent.

But ah! the gentleman from Maine [Mr. DINGLEY] says we ought to be patriotic, and that the American people will rise equal to the occasion and take the bonds at 3 per cent when they would be willing to give a foreigner 5 per cent on them. I am in favor of the protection of American industries, and if a man is rich and is willing to loan his money to the Government, I want him to have as good a rate of interest as would be given to the Rothschilds or to that great power across the ocean which is wiling to aid us in the war which we may perhaps have with the once mother country of this nation. I am opposed to it also because it does attempt to retire the greenbacks—because it does retire the greenbacks, as I look at the law. I am one of those who believe the greenbacks to be the best currency we have ever had in the United States. I am old enough to remember the days before the war, and I remember that then when you went out of your own town, your own county, or your own State, into any other county or State in the nation, you were obliged to take a Thompson's Bank Note Reporter with you and change it every week in order to know whether you were getting good money or bad.

Now the greenback goes current in any State of this American Union, and it ought to be protected and not injured in the house of its friends [applause], for we Republicans originated it. I believe this bill will retire the greenbacks because of the second section of the bill, which provides that the Secretary of the Treasury shall have the right to issue short-term certificates with which to pay the necessary expenses of the Government. If he issues those certificates to defray the necessary expenses of the Government, and at the same time if he issues bonds and redeems the greenbacks, as he has a right to do, emphasized and almost demanded by this bill, what is to become of the greenbacks? He will not need them to defray the expenses of the Government, because he will have these short-term certificates, and the green-

backs will remain locked up in the Treasury vaults of the nation, and the currency will be contracted to that extent and nothing given in lieu. [Applause.]

I am opposed to this because it contradicts all the Republican platforms and all the Republican conventions and all the Republican speeches that ever I heard or made or wrote upon the question of the finances.

Yesterday, against my will, against my protest, I voted for a bill which in my judgment was unnecessary, which in my judgment was not a Republican measure, which in my judgment did not meet the case, which in my judgment was not what we were sent here to do. [Applause.] Because I believe that the verdict of the nation, in 1894, was that we should have a protective tariff, and not a tariff for revenue only [applause]; that the election of 1894 stamped the seal of approval upon the McKinley bill and upon Bill McKinley himself, to the extent of indorsing the protective policy by him advocated. [Applause.] Therefore I was opposed to the bill which passed this House yesterday. I voted for it because the men who claimed to be the leaders of the Republican party said that it was right; for I am one of that unfortunate class called new members. I am simply kneeling at the feet of the political Gamaliels who run and control the Republican party here. [Laughter.] I am simply swallowing the drippings of the sanctuary, not the sweets of the inner table. [Laughter.] I admire the courage and revere the ability of these men, and yesterday I voted for that bill because they said it was right; but I was in the condition of the Irishman who had never seen any peaches before, who was given some to eat. He ate ravenously, and then he was asked how they tasted. Said he: "Sure, sir, they tasted very good, but the seeds scratched my throat going down." [Laughter.] And so, sir, my throat was scratched yesterday in voting for a Democratic tariff bill for revenue only. [Applause and laughter.] And if I know myself, never again during the short time that I occupy a seat upon this floor will I vote for any Democratic bills to help a Democratic President out of trouble. [Applause.]

Now, to-day we are called upon to undo all the work we did

yesterday. To-day we are called upon to contradict everything that we said, everything that we did, and every vote that we cast yesterday. We were told yesterday by speeches upon the Republican side that the tariff bill which we then passed would give the necessary revenue to carry on the Government, that it made $44,000,000 in addition to that which we now receive. We were told by the distinguished gentlemen upon the Democratic side that we did not need the bill, that we have $70,000,000 in the Treasury already to pay the expenses of the Government. But we passed the bill, and now we were either wrong yesterday, and the Democrats were right, or we are wrong to-day in attempting to pass this bill; for after having passed the tariff bill to give $44,000,000 more of revenue, we now propose to pass a bond bill to give them $50,000,000 of certificates, and God knows how many hundred millions of dollars of short-time bonds, to build up a Treasury that we said yesterday—and voted also—a horizontal raise would fill up inside of a few months. [Applause and laughter.]

Now, I am not in favor of that kind of legislation. I am in favor of taking a stand and abiding by it. I am in favor of standing by what we believe to be right. In deciding this question I thank the chairman of the Committee on Ways and Means that he opened the debate by saying that this should not be decided upon a partisan basis, but should be regarded as a business proposition. I thank him for that, because it enables us Republicans—and I feel that there are many who agree with me—it enables those Republicans who feel as I do to vote against this bill and not fear that we shall be read out of the party by those who seek to control it. [Applause.] As a Republican I am against it. It is not a Republican doctrine. It is not Republican pap that we ought to drink at the present time. [Laughter and applause.] It is something which will do us no good. It is something which will do us harm. It can only be justified upon the ground that there is an emergency.

Every gentleman upon this floor who has spoken in favor of the bill has undertaken to tell us about a crisis. Why, as I listened to these gentlemen and heard them talk about the crisis they struck me as being men who wake up in the morning and look out

of the window and see a nasty crisis right there in their front dooryard. [Laughter.] And when they go to bed at night, following the example of the women, will look under the bed to see whether they find any such crisis facing them there. [Laughter.] I deny, for one, that there is any crisis in the land. I believe that the wheels of industry are commencing to revolve again. I believe that we are on the eve of good times, and I, for one, am not willing to vote for a bill that violates every tenet, principle, and practice of the Republican party because some eloquent gentlemen have conjured up crises right under their bed, out of their own heads, and without facts to justify them. [Applause.]

I am opposed to this bill because it is absolutely unnecessary. Why? Because whether we tell the truth or do not, we might as well believe we tell the truth, even if we have a doubt about it. [Laughter.] We said yesterday, those Republicans who spoke upon the revenue bill, so called, said by their speeches, and those of us who silently followed our leaders who have taken us into trouble [laughter]—those of us who said by our votes that we indorsed those speeches said when you had this tariff bill which raised the revenues it gave $44,000,000 more revenue, and that was enough. All right. If we were correct yesterday, in the name of common sense what has occurred in twenty-four hours to change our minds? [Laughter.] Is it possible that anybody can see the shadow of the silver question arising upon the horizon to complicate this question and create this crisis of which we hear so much? I want to say to my friend from Tennessee [Mr. PATTERSON]—I know him not except officially, but trust we will be friends by reason of greater intimacy in the future—I say that for one, speaking only as one man, there is absolutely no fear comes into my mind at the use of the silver dollar by the people of these United States. [Loud applause on the Democratic side and by part of the Republicans.]

But there is nothing of silver in this. It is a pure, simple question of business, as the gentleman from Maine [Mr. DINGLEY] said—pure and simple. Do we need it? If so, why? We do not need it for pure principles of patriotism. No man can exceed me in devotion to this country. No man will answer more quickly

to the springs of patriotism when touched by the master hand of any man on this floor, Republican or Democrat. But what is there of patriotism in this? Nothing—absolutely nothing, except the privilege of loaning money at a decent rate of interest. I listened to the gentleman from Ohio [Mr. GROSVENOR], learned, distinguished, and able as he is, and I heard him say that it is a patriotic duty to vote for this bill. Why? He gave no reason, except to say that it was a patriotic duty. I do not believe it is the patriotic duty of any man to increase his debts, either private or public. I believe it is the duty of the individual to keep his expenditures inside of his receipts. As Wilkins Micawber, him of almost historic fame, and the best financier in the world, according to his own lights—as Wilkins Micawber said:

Income, £20 annually; expenditures, £19 19s. 11¼d.—result, happiness. Annual income, £20; annual expenditures, £20 ¼d.—result, unhappiness. [Laughter.]

So let us keep our revenues equal to or not in excess of our expenditures, and there will be no need of any bond issue in time of peace. [Applause.]

But there was one argument presented by the gentleman from Ohio that I think ought to be repudiated by every Republican. He says that we ought to vote for this bill because the Democrats did not suggest anything better. Is that a business way of looking at a proposition? Let us look at the proposition itself regardless of everything else. Now, I do not regard it as the duty of the Democratic party on this floor to present anything. God knows they present themselves, and that is bad enough. [Great laughter.] We want no help from them. Our party is large enough and strong enough and great enough to evolve out of the wisdom of its own members measures that are sufficient to help the country. [Applause.] We ask no assistance from them, except to silently submit to the rules we adopt and the laws we pass. [Renewed laughter.]

Now, I think that this bill should be beaten. I think particularly the first section of the bill should be beaten. There is no party whip cracking here; every man can vote for himself and vote his own sentiments, either as a Republican, a Democrat, or a Populist. I ask all Republicans who believe in Republican prin-

ciples. who believe in doing something because it is right, and not because it is expedient, to vote in favor of the motions that will be made against this bill, and to vote against it.

The Republican party always triumphs when it stands for the right. The Republican party always fails when it attempts to wrestle with the right and to let party expediency be brought to the front instead of deciding in favor of the right. We have been always against the issuance of bonds in time of peace. Let us adhere to the ancient landmarks of the party. Let us support Republican principles. Let us support Republican doctrines. Let us vote against this bill. In that way we will be assuming the responsibility of the occasion, and it is better for us to assume the responsibility and be right than to attempt to play peanut politics with the President of these United States and pass bills because they are expedient and may put him in a hole. [Laughter.]

I am not anxious to put the President of the United States or anyone else in a hole. I want to do that which is right. I want to do that which my party believes to be right. I want to do that which is for the benefit of the country. I want no politics in this question of finance, because there ought not to be any. I believe that every Republican upon this floor will be standing firmly by the landmarks of his party and will be deciding in favor of the right if he votes against this bill, and thereby announces now and forever that the Republican party of the House of Representatives of the Fifty-fourth Congress will not denounce the Democrats for issuing bonds in time of peace, and then immediately turn around as soon as it comes into power and vote for the issue of bonds in time of peace. [Applause.]

Let us be consistent with our party record. Let us stand by the rule which we adopted many years ago, that we will not issue bonds in time of peace, but that we will pile up revenue and tariff rates, even if we have to reenact the McKinley tariff bill, until the receipts of the Government exceed its expenditures. [Applause.] Gentlemen ask us what we can do under the circumstances except to pass this bill. Why, sir, to me, a poor, suffering, new member, it seems the easiest thing in the world to correctly answer this question. [Laughter.] Just strike out the words "four" and

"five" in the existing law and insert "three," if there is any magic in a 3 per cent bond, and that gives you exactly this bill. What is the objection to that plan? You have a law on the statute book which authorizes the Secretary of the Treasury to issue bonds at 4 and 5 per cent, but you say that that is wrong, and you say you do not want to retire the greenbacks. Very well, strike out "four" and "five" and insert "three" and you have accomplished all that you desire, and have not even by indirection attacked the greenbacks.

There is another way. Enact a bill which has been introduced, I believe, by the gentleman from New Hampshire [Mr. BAKER] requiring the customs dues to be paid in gold wherever imports are made from any country that requires gold upon its imports. That will give relief. Or, if you wish to do that which in my judgment will also give great relief, do what the gentleman from Tennessee [Mr. PATTERSON] says we must not do—provide for the free coinage of silver. [Laughter.] That will relieve your difficulties.

Mr. HARDY. I thought the gentleman would come to that.

Mr. JOHNSON of California. The gentleman says he thought I would come to that. Of course he did, because he knows that it is right, and that is why I have come to it. [Laughter.]

Again, Mr. Speaker, I have to say that as a citizen I am opposed to this bill, as a humble taxpayer I am opposed to this bill, as a humble member of the Republican party I am opposed to this bill, and I hope that all Republicans here will vote against it, in order that we may all have the satisfaction of saying that we voted once this session in favor of the principles of the Republican party and not in favor of expediency. [Laughter and prolonged applause.]

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ADDRESSES

DELIVERED ON THE OCCASION OF THE DEDICATION OF COOPER MEDICAL COLLEGE BUILDING,

BY

LEVI C. LANE,

A. M., M. D. (JEFFERSON AND BERLIN), PROFESSOR OF SURGERY, AND MEMBER OF THE ROYAL COLLEGE OF SURGEONS, LONDON;

AND BY

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The exercises were commenced by conferring the Medical Doctorate upon the Students who had recently graduated in Pacific Medical College, (the name which the institution bore prior to its recent incorporation under the name of Cooper Medical College,) the formula used by Dr. Lane, (the donor of the property, and President of the institution,) being in language as follows:

Candidates for Graduation:

In the olden days of scholastic learning, the approach of the candidate to the baccalaureate threshhold was the scene of severe contest between him and the guardian authorities; and the witnesses to that occasion were entertained by the clangor of lances sharply wielded in dialectic battle, in which the candidate was compelled to prove himself fitted for the honors in question. Dismantling this famous ceremony of its ancient dress, I will still preserve the spirit of the same by formally announcing to those who are present to witness your graduation, that

you have complied with all the regulations of the Pacific Medical College; that you have successfully passed the annual examinations of a three years' course of medical instruction in that institution; in fine, that you have well run the appointed curriculum. As a reward therefor, the directors and faculty of the Cooper Medical College, under which name the former institution is now incorporated, have instructed me, its President, to confer upon each of you the degree of Doctor of Medicine, and to give to each of you the diploma of this institution as perpetual and universal evidence of such promotion.

DR. LANE'S ADDRESS.

Afterwards Dr. Lane delivered the following valedictory address:

Candidates for Graduation in the Science of Medicine:

There are times when it is well to forsake the usual road and to pursue a pathway hitherto untrodden. The present occasion in the history of our school gives such license, and permits me to cast aside the ceremonious dress with which the valedictory address is usually invested. During your long training of three years, medicine enough have you had, and mingled therewith a due amount of moral axioms and monitions; for your Faculty strongly believe, and diligently teach, that the professional character is sadly incomplete, unless high scientific training be conjoined with equally high morals. Besides, in the classic words of your diplomas, the same fact is reiterated. Leav-

ing, therefore, in a measure, these things aside, I invite you to accompany me in a journey which I recently made to the Sierras. There let us breathe afresh, and learn something new from the high as well as from the humble forms of nature, for we find the two commingled in the closest society. As examples of the lowly, I will first invite your attention to a blade of grass beneath a pine-tree, a leaf from the pine, and a hillock of ants near the root of the tree.

Near the eastern end or head of Lake Tahoe, and near the foot of the mountains which form there the wall of the lake, now stands an aged pine, if some covetous axe has not been laid at its root; and as I saw it a year ago the dense foliage of this tree did not allow a broken sunbeam to reach the earth around its huge trunk. In this sunless shadow a single blade of grass had sprung up, battling, as it grew, with a constant shower of missiles, yet defiant of javelin and Minnie-like cones, it had risen to a respectable height, and bending to and fro seemed to be bowing a welcome to me. Without the stimulus of noiseless sympathy, or the encouragement of approving applause, unaided by any but its own innate powers, this child of Nature had fought the battle of life well, and won the palm of successful existence. Napoleon-like it had survived a missile warfare where danger was as rife as at Lodi and Marengo, and was waving the banner of unscathed life. But its kinsmen, the scattered remnants of which were visible, had been less fortunate; destiny had assigned to them the lot of defeat, yet one was moved with sympathy for their misfortune, and

felt like applauding them, as once did Napoleon when meeting, on the road, wagons of the wounded which his own army had defeated, he turned his horse out of the way, and lifting his hat, he said: "Honor to the unfortunate brave." But, turning to our victor again, I observed that it had not only lived, but the numerous flowerets adorning its purple crown gave proof that, obedient to the laws of its being, it was providing for an ample succession. Whether these children, emulous of parental example, have equaled their mother in dogged struggle against adversity, or whether they have fallen in the pitiless warfare waged against them; whether they have drawn fair or dark lots from the urn of Fate, is not known; yet the sight of that one victorious stalk of grass remains with me as a pleasant memory, teaching what perseverance, even on a small scale, can accomplish; and the example taught by it is deserving of your imitation; for in the lower as well as in the higher walks of your professional lives, adversity must come; amidst its javelins learn to stand unflinching—unyielding.

Besides this lesson learned from this frail endogen, it teaches yet another, for growing from the inside, and sending out its shoots from the centre, so that the young and tender ones are surrounded and protected by the older and stronger leaves, it offers a perfect instance of self-development; thus growth and defensive fortification keep pace with each other. So in man, as in this little plant, permanency of character arises rather from inward than from outward growth, and if such character be your aim, start from the inside and thence grow. In the solution of life's

problem all depends on starting aright. Further illustration of this is the following incident: Some years ago, when in Berlin, I was an occasional listener to the lectures of the famous Helmholtz. On one occasion his hour was occupied in the solution of a problem of physics on the blackboard. The work consisted of a long series of algebraic quantities, presented in the form of equations. The final result reached, showed that an error had been made in some part of the work, when the professor started back and sought for the mistake. It was only after much worrying review that he found that a slight error had been made in the very commencement of the solution, and this little blunder had not only clung to the succeeding links of the work, but it grew as it progressed, and at the end wholly vitiated the conclusion.

In another stroll, while reading an epitomized summary of philosophy, in which a plea was made for philosophic study, and the utility of the same defended against the encroachments of natural science, the author showing in the work that the conclusions of Leibnitz were singularly close to and coincident with the discoveries of Newton; in the midst of these abstract reveries, my attention was called to something more concrete, in the form of a pine-leaf that dropped on my page, and for a time became the subject of thoughts, which are here offered.

Looked at, the fallen object was needle-shapen, half faded and quite in the sere of leaf-life, and not half as long as a line of my philosophic lecture; an insignificant, diminutive thing apparently, yet if one lifted it up and listened to

its story, he heard there much that is curious and instructive. This story is as follows: A few months ago it lay with a number of its fellows infolded in a brown bud, its destiny then being decided by its position on the parent-stem, for according as it occupied basial or apical site, it might become leaf, sepal, petal, stamen, pistil, or germ of a future tree; but it was assigned a position in the first class, leaving the other destinies to its superjacent brethren, viz: it became a leaf, and consequently part of the breathing apparatus of the huge organism to which it belonged; a breathing organ like that of the fish, unfolded instead of infolded; but unlike that of animals, there is an alternation of function here, that of the day being the reverse of that of night. This pulmonic vesicle of ever-acting chlorophyl has intimate affinities for air and light, and through the interchanging interaction between the subject and these media, the marvellous processes of plant life are maintained. This is an enviable and admirable breath-cell, since in the meshes of its delicate histology the hand of disease does no marring by the planting of tubercle cells; nor are its perfect walls disfigured by distending emphysema or collapsing atelectasis. Hence the pine with its incomparable breathing apparatus does not prematurely languish with phthisical decay.

The nutritive elaborations accomplished in this tiny workshop, were done noiselessly by the genius of organic life; in that laboratory no clashing was heard of the crucible, mortar, blow-pipe and furnace; the attentive ear could have caught no sound of bustle or confusion, as the chemist

was building his part of the colossal fabric; but with unerring aim he plied his craft, now selecting this, now rejecting that piece of building material, and so thoroughly accurate was he in all the details of his art, that without redundance, defect or mistake, he accomplished his task perfectly and without ever recurring to the archetypal sketch; and with equal accuracy and even more marvellous detail, the task was done when the workman's hand fashioned the floral leaflet, the staminate crown, the pistillate utricle, or the microscopic germ of a future conifer.

Besides, this leaf, though so insignificant in form, and in power apparently so feeble, had been more successful than the Titans of old, since it had caught the divine sunbeams and moulded them into chains, whereby the organic elements of the pine are held together in ever-enduring matrimonial union, and as forms of potential tension they become the equivalents of so much force in Nature's exchequer.

The fallen pine-leaf has had but a brief existence, measured by a few months of time only; but during this time it has done its work so well, that it has contributed to the growth of its parent, and affixed there a tablet that, untarnished by storm, season or time, will last for generations.

Hence, the tiny pine-leaf falling on the page of Fichte's subjective idealism, when one unfolded its scroll and read the curious history written there, was more replete with wisdom than I could find in the abstruse formulæ of mental philosophy; and thought, going a step further, told me that the great life-tree of humanity has likewise its leaves, of

which each one of us is a representative, each destined, if he works well, to leave upon the parent-trunk a little tablet.

From the fallen leaf, my attention was next called to a hillock of ants near by; but, as its story is rather a long one, and also to follow the order of Nature in which the little and the great are equally commingled, we will next stroll to a cluster of pine-trees, seven in number. These natives of the forests, each one several centuries old, had grown to their present strength and stature within a few square yards of earth; nay, more, may grow for ages yet to come.

The savant Flourens, from a study of the life-time of animals, and deriving his rule from the period which is required for the animal to become fully grown, taught, in regard to the measure of human life, that the normal limit of man's life should be one hundred and twenty years. Tried by Flourens' rule, which, I regret to say, he failed to illustrate in his own life, the pine should live unendingly, since it never ceases to grow; it remains always in the freshness of youth—life and growth being coeval. The lover of antiquity need not go abroad to find objects to which he may do homage, for these trees have records of years upon them which antedate English civilization; but, unlike man, in whose face the markings of the years are traced, these trees have folded up the records of by-gone centuries, and buried them deeply in their hearts.

When one contemplates these trees, as examples of constructive skill, the study is full of interest and novelty.

This union of strength and majesty of form is the product of two factors—time and molecular force—and these, in magnitude, are inversely proportioned to one another, the factor time being the greater one. In a lecture which I once heard delivered by Becquerel, Professor of Physics at the Museum of Natural History, Paris, the idea was rendered probable that the processes of growth resident in the radicles of the plant are dependent upon electrical action. As in the animal body it has been demonstrated by Du Bois Reymond that there are constantly playing electric currents between the centre and circumference of living muscles and nerves, so it is probable that the terminal radicle of the plant is but a galvanic cell, consisting of two fluids—one the fluid of the adjacent earth holding numerous saline materials in suspension, and the other the organic fluids of the plant, the two being divided by a thin wall of vegetable substance. By a similar arrangement we know that electricity is set free and matter precipitated on the separating wall. In the plant the material thus precipitated from the outside, traverses by endosmosis the wall upon which it has been precipitated, and, being once admitted, becomes plastic matter. This galvanic element, superior to the chemist's, dispenses with amalgamation in order to constantly work, nor does it need cleansing, since the precious matter deposited on the plate is food for the plant, destined to be converted into bark, wood and leaf tissue. The latter, as before shown, becomes an ulterior refining and finishing workshop, in which the cruder matter, passed up from below, undergoes its final elaboration and refinement.

Thus we see that from materials abstracted from the earth, and which are so minute that no tactile corpuscle could appreciate them, nor auditory ossicle be moved by them, though they had fallen from a mountain height, nor could retinal rod perceive their impact—I resume—from such minute stones this edifice has been created, and in height made a peer of the Pyramids.

The voyager of the Rhine never fails to visit Cologne; or, as the Romans called it, Colonia, or Colony. If he remembers his Tacitus, this spot is remarkable to the traveler for having been the witness of a victory of words over swords, for it was near here that Germanicus quelled, with a few well-chosen words, a dangerous mutiny of the Roman army. But, besides this and other associations, mediæval architecture draws most persons here. Some centuries ago it was proposed to build at this place a cathedral, which, in architectural grandeur, should surpass anything then existing, and all the famous architects of the world were requested to furnish plans for the same. Among those competing was an ambitious builder, who, desirous of outstripping all the others, made a league with Satan (a personage, probably, not a little interested in the matter,) that if he would aid him in devising plans that would excel all the others, he should have his soul after death. Satan accepted the offer, and furnished a plan which, being the wonder and astonishment of all, was accepted as the best. But, like most fraudulent transactions, the architect's secret leaked out, and the faithful of the church were much mortified at the ill-plight in which the builder was placed; and

for the purpose of finding some refuge for him, they consulted Saint Ursula, who told them if they would secure the thigh-bone of Saint Peter, and place the same in the builder's hand when he came to die, it would nullify his pact with Satan. Thereupon an embassy was sent to Rome, the bone secured, and given to the builder. Satan, having discovered the trick that had been devised to defraud him of his rightful plunder, visited the builder, snatched the plans away from him, and, venting maledictions on his head, declared that thereafter no one should know the plan, nor in future should anyone know the architect's name; and, true to Satan's prediction, the plan of the original architect is not known, nor does any one know his name.

But a better fate awaits our temple-pine than has befallen the old Cathedral of Cologne. The architectural plan, according to which it was built, has been revealed to us by Galvani and Volta, the quivering foot of a frog touching the opening-spring of this great revelation.

How profoundly impressive, then, the thought, when seated among this group of pines, that countless electric batteries are at work under one's feet—countless forces, infinitely little, which the hand of Time applies slowly but incessantly upon the long arm of the lever that hoists the building material to the summit of this lofty fabric. As motive weights, Time silently adds hours and days to his arm, never ceasing until he gains the ascendant over the counterpoising material. But whence comes this building material? This introduces the lake and the mountain—

two other great objects of nature, to which we will next direct our attention. But before doing so, let us make a short diversion from the high to the lowly, and study a hillock of ants which have chosen the shadow of the pine as the site of their home; and as we do so, the intense activities of this busy community rivet both eye and thought to the spot.

Coming nearer to the ant-hill, and questioning one of the outstanding sentinels as to the polity, counsels and government of this little commonwealth, one learns not a few lessons of practical instruction. Though this insect occupies a low step in the scale of animal life, its neural centre having neither convolution nor other mark of intellectual ascent, yet one soon learned that what brains the ant does possess are well used. As proof of this, the wise of all times have borrowed instruction from the ants, and held them up as examples worthy of imitation. The Hebrew sage counsels the sluggard to go and learn wisdom of the ant; but the sluggard of our day, who has learned something of natural history, says that nothing can please him better than to have such an example to follow, as it has been observed that ants do not commence their labors until late in the forenoon. Perhaps the ant of Palestine was an earlier riser, as it is not probable that Solomon would have made such an error.

The ant can also boast of having suggested to Virgil one of his finest lines, and to La Fontaine one of his most popular fables. In this fable we are told how a light-hearted and frivolous grasshopper spent his precious sum-

mer hours in song and merriment, taking no lessons from passing time or current events; with no fear of a coming hour which would weigh with remorseless balance his uttermost garnering; nay, more, even smiling, when allusion was made to the future. Finally, the frosts of winter came, and found his storehouse empty. In his direful necessity, the profligate repaired to the castle of the ants, begging for food, but received as answer, that as he had sung during summer, so now he might during winter.

Besides these examples of wisdom for practical guides in life, chosen from the many which have been furnished by the ant, you will be pleased to learn that chemistry has received no trifling aid from its labors; moreover, that this little insect has been an indirect co-worker with us in the healing art, viz: it has furnished man with a delicately compounded substance, to-wit, formic acid, which needed but the addition of one element to it to render it the most perfect of pain-annulling agents. This gift of the ant to man was unheeded, and remained in the chemist's laboratory, a useless thing, until a Frenchman, by accident, added chlorine to it and gave the world chloroform. But man, with his wonted nature to ignore favors and obligations, as if to blot out all recognition of the favor which has been done him by the ant, has changed the nomenclature of chloroform from the terchloride of formyle to the terchloride of methyle.

Besides what we have learned from these insects, allow me to repeat the apostrophe which one of their sages made to me, as I sat musing at his side: "To quote the language

of your great Heyne, concerning the markings of the salamander's tail, there is more wisdom in the hieroglyphics chiselled on my sides than in the combined philosophy of Spinoza, Kant, Schelling and Hegel; the substance of the first, the subjectivity of the second and third, veiled under the mystic forms of the I and the not I, and the reason of Hegel, are mere vapory words; and though the metaphysical student may find pleasure in them, yet these are but useless words and intangible fancies; but if the hieroglyphics on my sides be truly translated, the true wisdom of life consists in useful occupation, whereby prudent provision for the future is made, avoiding all occupation where shadow is mistaken for reality."

The formic sage retired, and left me to reflect on the lesson which he had given; and to none is the lesson more appropriate than to you, whose hearts are full of youth, hope, and the future; for, when the frosts of winter have come, it will be of incalculable import to each of you, whether as the grasshopper you have idly sung the summer away, or, like the ant, have filled your storehouse with stores.

As we made our digression to the ant-hill, we were on the eve of considering the sources whence is derived the building material of the pine-tree, and this introduces the lake, on whose shores these meditative ramblings were made.

As one stands beside Lake Tahoe, and endeavors to form, in its diverse features, a conception which may be given in words, these features are so numerous that one

knows not how to commence the portrayal so as not to distort the picture, and he stands in that wavering uncertainty with which Scott has described one of Scotland's lakes:

> "The mountain shadows on her breast
> Were neither broken nor at rest;
> In bright uncertainty they lie,
> Like future joys to Fancy's eye."

At the foot of our group of seven pines, with one shore lying in our State and one in Nevada, lay this emerald gem in a framework of mountains, whose sides were covered with pine forests, and whose crests, here and there, were crowned with snow; emerald gem I have called it, yet it rather deserves the name of the most precious of stones; for, as Kepler conceived the fixed stars to twinkle like diamonds, because of their revolution, so the face of this lake, borrowing hue from sky, sun and cloud, presents a play of colors not excelled by a moving diamond, and as such, constitutes the brightest jewel in the diadem of two sister States; and securer than the Koh-i-noor, or the crown jewels of England, it will glitter there forever, since no prince's gold nor despoiling conqueror can ever wrest it from its Sierra casing.

Besides its matchless charm of coloring, our lake is equally remarkable for the purity of its waters; the water taken some distance from the shore is free from all admixture of foreign matter; a grand crucible in Nature's hand, where hydrogen and oxygen exist alone. "unmixed with baser matter." These waters, like a peerage jealous of a long and unalloyed lineage, are recruited only from ice and snow

on the surrounding mountains, the ice and snow in their turn having sprung from clouds that arose from the lake; water, cloud and snow being the links of a never-breaking chain; for existence, whether in the form of organic or inorganic phenomena, moves in fixed circles or orbits, which, according to Goethe, and more especially as elucidated by the master-mind of Moleschott, are governed by fixed iron and eternal laws, and this chain of recurring action originates in the heat of the sun, or, as Helmholtz would have us believe, from bodies falling on the sun; hence, in the face of the lake, with its many-colored features, along with the overshadowing cloud, and the snow on the mountain, we have glimpses of that conserved force which, born among the stars, disappeared in the fields of space, and, Arethusa-like, reappeared in these forms.

In the lake we have a true picture of the medical practitioner's life in its varied experiences, for, as it at times has its smooth unruffled face, so he has his days of smooth, even tenor, in which not a ripple occurs to vary uniformity; while these, again, are succeeded by those of rude and disastrous misfortune, in which failure and disaster mock each effort of the professional hand. In the midst of such shocks the man stands stupefied and dejected, half ready to believe that the principles of his art are valueless. In such trials the physician may receive comfort from the reflection that a certain amount of error is inseparable from all human effort, and that to reduce such failure he must ever be ready to meet it with renewed and more vigilant toil, for the storms on the lake of life will not continue always, but, perhaps,

even to-morrow, its frowning waves will sink to repose. From the lake, too, examples of this may be taken, that amid the fiercest tempests, the deep water underneath remains unmoved; and, as the waves of Tahoe are broken and brought to rest by their fixed Sierra wall, so the adverse billows which harass human life fall harmlessly when they strike against a well-disciplined mind.

A remarkable quality of the waters of this lake is their nearly uniform temperature; and though this degree in the deeper points approaches freezing, yet, except at the margin near the shore, it never freezes. This is accounted for by the absence of organic or other matter; hence is learned that purity of character gives independence; and, though winter is so near, yet these waters, secure in their incorruptible freedom, mock his efforts to place his hands upon them. Hence the lesson to you of adorning your professional mantles with the pearls of independence and integrity; adorned with such qualities, dishonor will vainly essay to grasp you in its wintry hand.

From the many-colored waters we turn our eyes to the mountains, which are a framework in which our lake picture is contained. As evening approaches, strange, weird shadows lie on their rocky summits; distance, sunlight, shadow, resting against a sky of peerless purity, all making a picture of such sublime character that words, let them be never so carefully chosen and cunningly mingled, can never reproduce its correct tintings. Colors, not words, and a master-hand like that of Bierstadt and Hill only can represent this scenery.

To increase, if possible, the strange sublimity of the scene as the sun sank behind the mountains of the western shore of the lake, numerous fires were seen that had been lighted by the native Indians. The smoke and flames of these fires, gleaming among the evergreen forests, resembled watch-fires and reminded me of Uhland's lines:

> " When the tower-bell tolls once below,
> And the watch-fires on high do glow,
> Then I'll descend the ranks among,
> Brandish my sword and sing my song.
> I am the mountain boy."

When the sublime impulses awakened by the view of this scenery have given place to cooler reflection, or, rather, when ecstasy has given place to analysis, one finds that nature here has indulged in forms of architecture in which Byzantine, Gothic and Moorish forms appear; nay, more, as the uncertain light of evening renders the view less distinct, one can easily conceive that he sees in the distance the many-pinnacled cathedral of Milano, with its towers and chiselled statues; but this Sierra cathedral, with its towers and statues chiselled out of gneiss and granite, escapes the discoloring touch which time has left on that at Milano, since draped in a snowy mantle, the former remains white forever.

The less imaginative chemist and geologist see in these rocky masses the building material of all plant and animal life. These are the primitive elements, cast up by volcanic force, from which plant and beast derived their solid constituents. These elements in Nature's treasury are far more valuable than gold and silver; the latter are mere

glittering baubles that she has formed to amuse her infant, man; while the former constitute the coin, current at her treasury. In the book of organic life, Nature traces with a pencil composed of these elements, the primordial sketch of every living thing. Yet as these mineral principles exist in yonder rocky turrets, they are locked up faster than ever miser's chest was closed against burglar's hand, and their security is still increased, since even in their fastnesses they are moulded into crystal forms of adamantine hardness.

But how unlock this iron safe, so securely barred against intruders? The keys thereto are tempest, wind, and ice, and released from its prison, this precious dust takes shape as bird, animal, forest meadow, leaf and flower. Hence the tiny grass-blade, the group of pine-trees, the hillock of ants, and all this landscape of beauteous forms, are the offspring of yonder mountain; and when this landscape, with all its inhabitants—having accomplished its destiny—has vanished from existence, then Nature, re-combining the scattered elements and adding new ones from her mountain storehouse, will produce again a new landscape to delight the eyes of other generations.

In our visit to the heart of the Sierras, we have seen some of the architectural wonders reared by the hand of Nature. I now call your attention, as I close, to another, reared by the hand of Art—in this building. To render her work enduring, and to erect a fabric that would defy the wasting touch of years, Art has borrowed from the Sierras, blocks of granite, and from the earth, indestructible

building material. As such, it now stands complete in all the matchless perfection which care and study could devise —a monument to Elias S. Cooper, the prime originator and ardent promoter of medical education on the Pacific Coast.

In the last days of his fatal illness, I accompanied Cooper to the heart of the Sierras, with the hope, as he thought, that the breath of the pines and the mountain view might bring some relief to him; when, finally, it became plain that all was in vain, and that the fatal shaft could no longer be eluded, he spoke calmly of his impending dissolution; it was manifest that premature death was arresting but half finished much that he had purposed to do, and, at various times, during his illness, the destiny of the school which he had founded, was the matter of intense solicitude.

As Time, on a recent occasion, realized the wishes of a French patriot, who, dying before the establishment of the Republic, for which he had toiled and suffered so much, bade his old servant come and proclaim it over his grave, whenever that event should occur, so this audience, here seated, twenty years after Cooper's death, in sight of his last resting-place in Lone Mountain, in doing intellectual homage to his memory, announces that his work still lives. The granite tablet over the portals of this building, lasting as that of the Pantheon, whereon the memory of Bichat is emblazoned, announces the same truth; and the trained hands and cultured minds, who annually shall depart from this temple of learning, bearing scrolls on which his name is inscribed, will widely proclaim the same, and bear evidence that his work was not in vain, but that

"He builded better than he knew."

Could he have foreseen this, as mortality was laying its cold fingers on his heart, it would have caused it to beat for a moment again with freshened life, and would have thrown a beam of pure light athwart the gloomy shadow that coming death was projecting over him.

EDWARD R. TAYLOR'S ADDRESS.

Ladies and Gentlemen:

The occasion of our assembling is most auspicious and interesting. Not alone are we here for the purpose of bidding God-speed to those who have just been honored with the Doctorate of Medicine, but we are here as well for the purpose of dedicating this edifice to the sacred cause in which these graduates are now enlisted. And how appropriate, how beautiful this structure! Solid, yet not heavy; simple, yet not plain; costly, yet not pretentious. Being the work of a sincere heart, it is itself sincere. It tells no lie. It is exactly what it pretends to be. Its brick are not of the common sort, covered with plaster, and made to stand for what they are not—a wretched counterfeit; but they are of the finer sort that can afford to look into the eye of the world with the serene gaze of truth. Here we have no tawdry, meaningless ornamentation; no disjointed effects; no inharmonious relations; no ill-adaptation to purpose; but we, happily, as is rarely the case, have the reverse of all these. This edifice, the construction of which has excited so much public interest and curiosity, is, in truth, as a piece of architecture, a credit to the city—a thing of beauty and a joy forever, as every work of true art always is. Here, indeed, will Science find a fit abiding-place;

here, indeed, may she, surrounded with all things needful, delightedly work out ameliorations for suffering mankind.

This building is not the result of a sudden impulse. It has been the dream of a life-time ; an object to be attained, if attainment were humanly possible. There is nothing in connection with it that has not received the most thoughtful, the most affectionate consideration. There is no stone here that is not cemented to its fellow with the love of humanity and of science; and so cemented, may we not justly hope that this fabric will endure so long as man shall feel for man.

He who has wrought this work, has long lived among us. No name in this part of the world is more closely interwoven with medicine and with medical teaching than his. He has pursued his favorite studies with a persistence and self-abnegation which only those can appreciate who have had the honor of his intimate acquaintance. But nothing has been permitted by him to stand in the way of his duties as a teacher. In truth, these duties have ever been first in his thoughts, and it was solely at their call, that he caused the barren sand-hill of a twelve-month ago to bear the architectural flower whose blossoming we now celebrate. From the very beginning of his connection with medical teaching, now many years ago, such a structure as this, with fullest equipment, became one of the great aims of his life. That aim he has pursued steadily and unswervingly to its final achievement. That he has lived to see this day, is to him the supreme blessing. From the resources which have resulted from his professional labors, these stones have

risen ; and they, together with the ground on which they stand, have been conveyed, as an unreserved donation, to a corporation but recently organized—the COOPER MEDICAL COLLEGE—organized without capital stock, and with no view to pecuniary profit, and for the sole purpose of making the gift effective. This munificent donation is burdened with no condition whatever, except the single one that the property shall be solely devoted to the purpose of medical instruction. Should it ever be diverted by the corporation into any other channel, then the City and County of San Francisco are to take possession of it for public purposes. On behalf of Cooper Medical College, I am here to say that the corporation accepts this noble gift, and in its own name, and in the name of Medicine, to thank the donor for this, the culminating deed of a great career—a deed which is itself so eloquent that commendatory words seem lifeless in comparison. The money value of the donation is indeed great—for it bears the singular distinction of being the costliest gift of the kind ever made to medicine in the United States—but why speak of dollars and cents; for as compared with the spirit which prompted the offering, and which now vitalizes it, millions are as dross.

The name—"Cooper Medical College"—is significant and highly felicitous. It tells a story worth hearing and worth remembering. ELIAS SAMUEL COOPER was one of the most remarkable men among the many remarkable men that illuminated the early life of California. He was born with an ingrained love for the things of medicine, and early took to the scientific study of the human body, with a zeal

that knew no abatement till death cut prematurely short his brilliant career. Almost from the hour of his graduation he began to give private lessons in anatomy ; and from that time up to the hour of his fatal illness, he continued a teacher. Like thousands before him, his labors in the interest of his fellow-man were unappreciated, and against him was raised the hand of ignorant persecution. But he "still toiled on, hoped on," content if he could but gain the approval of his own conscience, and extend the domain of his medical knowledge. In the midst of his labors, the star of California, then blazing in the far west, caught his eye; it seemed to call him ; he obeyed the call ; and here he landed in the early spring of 1855. He had scarcely set foot upon the soil before he recommenced his professional labors with increased ardor, for here he found the climate particularly well adapted to successful dissection and the operations of surgery. It followed, as a matter of course, that he should soon become widely known, by reason of his great knowledge and skill as an operating surgeon. Being a man of great force of character, and endowed with exceptionally strong faculties for organization, he became the leading spirit in the formation of the State Medical Society, which, after some years of vigorous life, fell, only to rise again to renewed usefulness. These natural abilities, coupled with an energy that knew no relaxation, and a geniality of temperament that drew his friends to him as with "hooks of steel," enabled him to draw around himself an able band of teachers, who, catching the spirit of their leader, at once embraced their labors with the utmost en-

thusiasm. And thus, in this unpretentious but earnest way, was organized the first Medical College ever organized west of the Rocky Mountains. What these men lacked in equipment, they made up in zeal and knowledge, and in that close contact with the student, which is impossible in large institutions. The classes were small, as, under the circumstances, they could not but be; but the teaching was thorough and conscientious, and the students singularly earnest and high-minded. Some of them are now among the most reputable practitioners of medicine in this city, and one of them has long been an active constituent of the present Faculty—an honored son of an honored father. These pioneer teachers worked faithfully and well. They "scorned delights, and lived laborious days." They did good work—the one imperative thing for man to do in this world—did it not in the open blaze of day, but in quiet seclusion, and with no hope of pecuniary reward for the time and labor spent. Not for them the greed of gain, or the hand-clapping of the multitude, but simply the luxury of quiet hard work in the way of self-appointed duty. The world knows nothing of such labors; scarcely ever hears of the men who perform them; but what treasure the laborers lay up!—treasure "more to be desired than gold, yea, than much fine gold; sweeter, also, than honey and the honeycomb." The majority of them have passed away to "the silent halls of death," leaving memories we love to linger over, and names which are a precious heritage. But some of them, happily, have been spared to meet with us on this memorable evening, and, as we greet them, our welcome

swells to rejoicing, seeing them, as we do, still earnestly cultivating the vineyard which has known their labors for so many years.

There seemed to be something inherently vital in this pioneer school. There was, it is true, the break of a few years following Dr. Cooper's death ; but, with that exception, it has pursued an unbroken course, until to-day we see it taking possession of this valuable property, and entering upon a new career resplendent with promise. The early days of the school were days of hard struggle ; but to the intense nature of Cooper, difficulties were but incentives ;

> "And as Æneas * * * * * *
> Did from the flames of Troy upon his shoulder
> The old Anchises bear,"

So did Cooper, upon his strong shoulders, bear this infant school through every peril that threatened its life. But with his death, disintegrating influences set in, and ere long its voice was heard no more. For a few years only this silence continued. The school was not dead; it did but sleep. It lay with all its potentiality still within it, and awaited, like the spell-bound beauty, but the touch of the proper hand, to spring once more into the whirling circle of busy Life. That touch came from the hand of two of those who had been with it from its birth ; and at the touch, it arose from its slumber, and, like a giant refreshed by sleep, it entered with new vigor upon a course which it promises to hold as long as this city shall exist.

How fitting, then, that this College should bear the honored name of Cooper ! It is, in truth, his monument,

and a monument he well deserves—deserves, not alone for the peculiar reasons already indicated, but deserves, as well, because of his great anatomical and surgical attainments, and because of his unfaltering devotion to the cause of medicine. He was, undoubtedly, an original man; his nature was essentially creative. He naturally disdained the beaten paths that mediocrity can, with moderate industry, tread with ease, and, plunging into the forest, he opened up new paths. It was his to lead, not to follow. Many of his operations were so bold as to startle even those accustomed to audacious surgery; and yet they were tempered with a prudence, and were carried to such favorable results, as to prove him a master of the first order. His knowledge of coarse anatomy seemed absolutely perfect, and he kept it so—as it can only be kept—by constant dissection. Nothing was left to chance in an operation. He saw his way clearly from beginning to finish, and never made the slightest incision without knowing what was under the point of his knife. He was never carried away by over-confidence, nor daunted by unforeseen difficulties. To him the human body was an infinitude, which could not be exhausted; and to the study of it he devoted himself utterly, thoroughly. It was, in sober truth, the altar of his self-immolation; for his labors were incessant. They felt no pause. He scarcely knew what it was to sleep as the ordinary man sleeps. The fires of his brain were constantly burning. No wonder that an intensity such as this did not last—wonder is it that it lasted so long. And so it was, that in the midst of his labors, while yet dreaming of a thousand things that remained

to be done, in October, 1862, and in the thirty-ninth year of his age, Death closed the book of his life.

He fell, as falls the hero, in the front rank, with blade in hand, and battling to the last gasp. And yet, he resigned his life without regret or complaint, speaking to his latest breath of triumphs yet to come, as glorious visions of the life beyond flitted before his fading sight. Thus died this gifted man, not rich in gold, except in gold of priceless deeds.

So also fell, at the early age of thirty-one, and from like causes, the great Bichat—the glory, in the last century, of French medicine, and one of the glories of the human race. These intense natures soon burn out, it is true; but what splendor of light they emit while living, and what radiant glories spring above their graves!

Though Cooper lived in California less than eight years, it is doubtful if any man here has influenced the course of medicine to anything like the same extent as he. And in this new College, the successor of that which he founded, and which will ever bear his name, the name of Cooper will not only be a potent influence, but a watchword to lead to high endeavor, to quenchless zeal, to tireless labor. Here, the torch that fell from Cooper's lifeless hand, will burn with increased splendor, and cast its illumination far beyond these walls. For it is as certain as anything human can be, that this institution is destined to a great future. If with all its previous difficulties, with insufficient accommodations and facilities, this school has grown to its present great development, what summit of excellence may it not reach,

with equipment such as, in a few years, the best Eastern colleges cannot hope to surpass, and with a faculty, such as it is sure to command, able, zealous and harmonious?

Medical instruction in San Francisco not only stands upon a firm basis, but it is, and will be, equal to every demand made upon it. The college, founded by the generosity of the late Dr. Toland, is now affiliated with the State University, and between the faculty of that school and of this, the most cordial relations exist. There is ample room and verge enough for two such institutions in San Francisco, and their only rivalry in the future promises to be as to who shall do the greatest good in a common cause.

Looking at this edifice, then, in the light of what has led up to it, how more than grand do its proportions seem! What a story it tells: A story of pure ambition, of self-sacrifice, of unfaltering devotion to a single aim! Looked at with the eye of sympathy, it becomes imbued with sentient being, and its beautiful turrets seem like human arms upraised in thanksgiving. It is not, no, it cannot be, so much stone and mortar cunningly designed and put together by the hand of the architect and builder. Even were it that, and nothing more; even had it been created in the grossest spirit of mercenary gain, still it would greatly please the eye, for it is indeed most excellent work. But it goes beyond the eye; it penetrates to the soul, and delivers a message there, that awakens the whole being and attunes it to music. In the presence of such as this, we stand with uncovered head, while Passion's rageful voice is

stilled, and Heaven's own peace fills all the air. In such a presence, the selfish, heartless struggle of man with man for worldly precedence; the accumulation of wealth for the mere sake of accumulation; the mad ambition for place and power, seem like the bitterest of mockeries, the vainest of delusions. In such a presence, what pessimist asks the question: "Is life worth living?"—what heart so hard as not to be touched until the waters of its better nature gush forth? In such a presence, do we not feel that self-abnegation—the doing for others in preference to the doing for oneself—is the one thing on this earth which overtops all other things? Ah, yes! it comes to us again and again, that it is worth all the rest; yea, a million times all the rest. For is it not the only *real* thing we possess—the one thing which gives the only pure, the only unalloyed satisfaction we can have? Do not all selfish pleasures cloy? Is there one in the whole list that does not? Is there a more unhappy creature on the face of the earth than the aimless dawdler, with wealth enough to satisfy every appetite, and whose sole thought is to meet each whim that in turn arises before him? Or who more pitiable and to be pitied than the one whose home is his bank vault, whose literature is his ledger, and whose daily circuit is round the rim of a dollar; "whose heart is dry as summer's dust," and whose unceasing cry is gold! gold! more gold!

"To the very verge of the churchyard mould."

Compared with such, a persecuted Spinoza, feeding on crusts in his fireless garret, while devoting himself to the

spiritual betterment of his kind, is a God seated on high Olympus, and living on nectar and ambrosia.

Take any one with a passion for accumulation, whether it be of money, or of rare books, or of pictures, or of pottery, or of coins, or of stamps, does he ever have enough? The more he gets, the more he wants, and the more he wants, the more he becomes dissatisfied. As Carlyle puts it in his rugged, forcible way:

"Will the whole Finance Ministers and Upholsterers and Confectioners of modern Europe undertake, in joint stock company, to make one shoeblack HAPPY? They cannot accomplish it above an hour or two; for the shoeblack has a soul quite other than his stomach, and would require, if you consider it, for his permanent satisfaction and saturation, simply this allotment, no more, and no less: *God's infinite universe altogether to himself, therein to enjoy infinitely, and fill every wish as it rose.* Oceans of Hochheimer; a throat like that of Ophiucus; speak not of them; to the infinite shoeblack they are as nothing. No sooner is your ocean filled, than he grumbles that it might have been of better vintage."

Paradoxical as it may seem, yet it is nevertheless true, that the more one does for others, the more one does for oneself. The more numerous the points at which man comes in sympathetic contact with his fellow-man, the broader and deeper his life. The most contracted boundary conceivable is that of Self; the most extended, the altruism of Jesus and Gautama—impossible of realization, doubtless, but the noblest ideal ever held up before man; the

striving toward which is the one only means whereby we can be saved from the world, the flesh and the devil. Far more than a half truth lies in these words, sung by the modern poet of Boodhism:

> "Ho! ye who suffer! Know
> Ye suffer from yourselves—none else compels;
> None other holds you that ye live and die,
> And whirl upon the wheel, and hug and kiss
> Its spokes of agony,
> Its tire of tears, its nave of nothingness."

That the desire for accumulation is natural, and when stimulated not for itself alone is worthy, and that to this desire we owe much of our progress and civilization no one will dispute; but that our present civilization is not deserving all the encomiums sometimes lavished upon it, there will likewise be little dispute. It is not a *real* thing—and by a real thing is meant a thing which bears the elements of permanent satisfaction; which holds within the heart of it no false pretenses; a sincere thing—neither sham nor counterfeit. Are the great masses of the people satisfied with this civilization? Is anybody entirely satisfied with it? Does any thoughtful person believe it will last unless it be subjected to the most heroic surgery? It is dominated by Self in the grossest form in which Self can be asserted—in laws made for the Few, and by the Few, at the expense of the Many. It is stained through and through with injustice. It is beginning to present those tremendous contrasts which have been the precursor of the death of so many previous civilizations:—palaces, luxury, and ever-increasing wealth at one end of the scale; and at the other end of it squalor,

slums, want, and ever-deepening poverty. It is a fearful fact to contemplate, that in the city of New York there are men who have added to their wealth as much as a million of dollars in a single day, while in the self-same city there are hundreds and hundreds who, hour after hour, hang upon the very verge of starvation.

How true are the words of Gœthe, that "It is only with Renunciation, that Life, properly speaking, can be said to begin." When a man steps out of himself, forgets himself for some one else; denies himself a comfort that some one in more need than he shall be benefitted, then he does the one great thing; then his heart runs over with silent joy; then he receives a pleasure such as nothing else under heaven can give him. This is the *real* thing; the rational pleasure; the pleasure that never cloys; and the pleasure that each of us can in a measure enjoy, if he will. To be sure, we cannot all build Medical Colleges out of the earnings of our labor, as gifts to suffering humanity; nor need we

"* * * * Wander lone,
Crownless and homeless that the world be helped;"

but the demon of selfishness, that lies in the heart of us all, can at least be scotched if it cannot quite be killed. If, out of our superabundance, and without any self-denial whatever, we give a penny to a homeless outcast in the street, for the moment we are exalted, for the moment we feel the breath of Heaven; but when, in the interest of humanity, we put Self under foot—Ah! then we walk the empyrean heights, and gather flowers that can never fade.

I once heard a true story which is worth repeating: An old fellow, without wife or child to bless him, who had, as every wealthy person has, a number of poor relations, but never thought of any of them, from one year's end to another, had shut himself up so within himself that his whole world became bounded by his own being, and his never-satisfied desires. One day, while sitting in his library, thoroughly miserable from self-tormenting thought, —the very books appearing to glower at him—a strange light, as from an angel presence, seemed to flash suddenly upon him. It illuminated his soul as it had never before been illuminated. He went to his desk, took from it his check-book, and, with a feeling he had never till then experienced, he drew checks for large amounts to the order of various of his needy relatives, and one of larger amount than all the rest, he filled in for a meritorious institution that long had in vain solicited him for aid. After the checks were signed and enclosed in their respective envelopes, he drew a long breath of great relief, and turning on himself, said:

"You old rascal! you dare to grow so selfish again, and I will give away your whole fortune!"

What is the essential difference between Byron and Burns, who, as poets, have so many points in common? Simply this, that the latter loses sight of himself, the former, never. The one had a genuine affection for every created thing—his heart was a welling spring of sympathy and love; the other spent his great powers in depicting his own miseries, and seemed to have no genuine love for any-

thing outside of himself. And so it is, that the universal world clasps Burns to its bosom, while it does but stand off at a distance, and coldly admire Byron.

Can we ever repeat Leigh Hunt's famous lines too often?

> "Abou Ben Adhem (may his tribe increase!)
> Awoke one night from a deep dream of peace,
> And saw within the moonlight in his room,
> Making it rich and like a lily in bloom,
> An angel writing in a book of gold.
> Exceeding peace had made Ben Adhem bold,
> And to the Presence in the room he said:
> 'What writest thou?' The Vision raised its head,
> And, with a look made of all sweet accord,
> Answered, 'The names of those who love the Lord.'
> 'And is mine one?' said Abou. 'Nay, not so,'
> Replied the Angel. Abou spoke more low,
> But cheerly still, and said, 'I pray thee, then,
> Write me as one who loves his fellow-men.'
> The Angel wrote and vanished. The next night
> It came again with a great wakening light,
> And showed the names whom love of God had blessed,
> And, lo! Ben Adhem's name led all the rest."

True to the associations that cluster around these college halls, we may be assured that no false doctrines will here be taught. There is but one practice of medicine, and the "old school," so-called, is its prophet—there can be, in the nature of things, none other. The public have been falsely educated to believe that there is an old-school of medicine as contra-distinguished from the new-school, and that the former, like the latter, is a system. But the difference between the two is immeasurable, and lies in this: The legitimate and only practice of medicine consists in doing anything and everything morally and scientifically right which the physician may deem to be of benefit to his patient. So long as he knows what he is doing, so long as

he can intelligently see his way, so long he is at liberty to use any element of earth, air or water, and any and all appliances whatever, and in any manner, quantity or form, that he can reasonably believe will meet the condition of the patient and conduce to his recovery. On the contrary, the new school (what the term may mean is hard to tell, for it embraces all modern respectable quackery) is bound within the rigid rules of certain systems, outside of which the practitioner is not permitted to range. If he be a homeopathist, he is honestly compelled to the observance of the rule of *similia similibus curantur*. That is, he must in every case administer that drug which will, in the well person, produce the same apparent symptoms observable in the sick; no other drug is admissible; and, furthermore, the medicine must be exhibited in certain prescribed dilutions or triturations. If the practitioner be an Eclectic or Thompsonian, he is confined to the vegetable world for his remedies; and if a Hydropathist, he is indissolubly wedded to cold water. And so on, through the whole list down to the chap who cures every conceivable ailment by the simple laying on of hands. The members of each of these classes are specialists as to remedy; they are hedged round, and bound in, by their respective systems, and if the case of the patient cannot be brought within the enclosure of the system, so much the worse for the patient. At all events the sufferer will have the satisfaction of having been done to death according to rule, and can take consolation from what was solemnly remarked, on a memorable occasion, that it

would never do to violate the eternal laws that govern such things, for the mere matter of saving human life.

If it be said that, practically, these followers of systems do not keep within their lines, and that, as occasion prompts, they go outside of them, then it is plain they are insincere; then it is plain they pretend to be one thing, and are, in reality, another thing; then it is plain they are not fit to practice medicine under any circumstances whatever; then it is plain they are pretenders, pure and simple.

But again, these systems have no scientific basis whatever; they are built on the sand. Nor have their promoters ever contributed to mankind anything of scientific value; while on the contrary, legitimate medicine is founded on the very rock of science, and her followers have, in every age, been such great discoverers, that the history of medicine and of medical men would well nigh constitute a complete history of science.

Thus it is manifest that that practice which is founded on scientific principles, and which looks only at the relief of the sick by any honest means attainable, is the one and only legitimate practice of medicine. And it is furthermore plain, that all strictures against the regular practitioner, for refusing to consult with these system-mongers, are made in ignorance of the subject. For there can be no intelligent relief devised for the patient, where the parties to the consultation hold such fundamentally different views. At all events, such relief could only be devised at the expense of honesty.

Legitimate medicine never stood firmer than she does

to-day. Her Past is glorious, her Present, bright, and her Future, secure. Holding fast, as she does, to the revelations of science, as science becomes more certain, so must the processes of medicine become more certain. She and science are so closely connected, that if one falls, the other must fall. But they will not fall, for they bear the seeds of invincible life. Linked arm in arm, they have marched grandly down the ages, and so will march on and on, for the spiritual and material betterment of mankind, "to the last syllable of recorded time." To them, with grateful hearts, we dedicate this College Edifice, rich in all blessed memories, and consecrated by the purest love for science and humanity; and consecrated, as well, by the undying affection of the founder for him, who in life held that affection dear, and whose bright name will ever shine resplendent on these walls. To-night we do, indeed, rejoice with exceeding great joy. Our hearts keep time together in sweetest music. We walk with those great souls who in every age have lived and toiled for man. In such blest hour the senses swim in spiritual seas and spurn all baser matter. In such blest hour Christ reigns in every heart.

And to him, Levi Cooper Lane, who has so wrought in the cause of humanity, whose gift in that cause we are here to acknowledge, do we not all turn, and fervently pray that every hope in connection with this institution may be more than fulfilled; that he shall live long in the land as the presiding genius of these halls; and that when the final summons comes, as come it must, it shall find his work complete, and exceeding peace within his heart.

And to you, graduates, who are probably expecting some parting monitions from me, I am spared the pleasant task of delivering a labored address to you, for I have but to point to the circumstances attending the erection of this building, to find the leading elements of the professional career—Concentration, Reticence, Prudence, and Self-sacrifice. Concentration, as shown in the unfaltering purpose of him whom we now honor; Reticence and Prudence illustrated in this, that despite the urgent inquisitiveness of a curious public, his purpose remained an undisturbed secret in the breast of the founder; and, as illustrative of that Self-sacrifice which your profession will often demand of you, none can be more impressive, none can be more eloquent, than the crowning act of the donor, who, not content with erecting this edifice out of the earnings of his own hands, makes his Renunciation complete, by writing on its walls the name of another in preference to his own.

Let the lesson of this hour remain with you ever and always; let no necessity compel, no temptation seduce, your feet to devious paths; but with onward stride, through every difficulty, danger and trial, may you "press toward the mark for the prize of your high calling." And remember, with the poet, that

> "We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on a dial;
> We should count time by heart-throbs. He most lives
> Who thinks most—feels the noblest—acts the best.
> Life's but a means unto an end—that end,
> Beginning, mean and end to all things—GOD!

ADDRESS

OF

THOMAS BROWN LEWIS,

AT THE ORGANIZATION OF THE

Market Street Bank of Savings

AND

SAN FRANCISCO LAND AND BUILDING COMPANY.

SAN FRANCISCO :
BONNARD & DALY, PRINTERS, 536 CLAY STREET.
1875.

ADDRESS OF THOMAS BROWN LEWIS,

AT THE ORGANIZATION OF THE

Market Street Bank of Savings,

AND

SAN FRANCISCO LAND & BUILDING COMPANY.

GENTLEMEN :

My object in calling you together is to invite you to unite with me in launching TWO new enterprises in this young city. San Francisco is hurrying *rapidly* to the front rank among the first commercial cities upon the face of the globe. Her increase in population, business and wealth is so rapid that she is—in consequence—passing from the control of a few individuals and a few corporations, who have heretofore enjoyed and *fattened* upon an almost undisputed, uncontested, and absolute monopoly of *all* the great interests of both city and country. It is unnecessary for me to give you an account of the time, thought and labor invested by me in bringing these two enterprises from chaos, or nothing, to their present basis and beginning. It is only necessary for me to show you that they possess, in principle and material, the elements of success and usefulness, and to invite you to become a part of their machinery, to become identified with their birth, with their growth and their *power*, and to share in the profits, the blessings, and the honor that will flow from their more advanced, intelligent and practical financial operations.

The Banking enterprise, being the most important, will be the first considered. The Savings Bank has become an institution, second only to the Government of our country. The vaults or treasuries of both, contain the *people's* money—the *savings* of the industrious and the frugal of the land. The vaults of the Savings Banks of the United States contain many millions of dollars, the ready money of the people. Every prosperous village has its Savings Bank; larger towns and cities boast of the number of those institutions they support and of the millions deposited in them. San Francisco has eight Bankers and thirteen Banks, twenty one in all, doing a Commercial, Exchange, Note and Stock business. Their paid-up working capital aggregates about SEVENTEEN MILLION five hundred thousand dollars. She has ELEVEN Savings Banks, with a deposited capital aggregating over Fifty-five Million Dollars. Of this amount, the Hibernia has a deposited capital of over THIRTEEN Million, and the Clay Street "Savings and Loan Society" has a deposited capital of over Eleven Million of Dollars. To add the deposits of these two Banks, will give figures that will show them to have a capital seven million seven hundred and thirty-two thousand five hunhundred and eighty-four dollars in *excess* of the entire paid-up capital of *all* the Commercial and Exchange Banks in the city. Those two Banks have a deposited capital of twenty-five million two hundred and thirty-two thousand five hundred and eighty-four dollars. The amount of deposits in the eleven Savings Banks of this city lack only six million four hundred and fifty-seven thousand four hundred and eighty-three dollars of being the one-half of the assessed value of *all* the real estate of the city and county of San Francisco. Yet the Bank of California, with its liberal and intelligent management, is a greater benefactor to the vital interests of this city and coast than are either or both of those Banks, with their many millions of dollars. This may seem a mistaken notion to those who have not given the question careful thought; to those who have not gone below a superficial examination of their operations. The Bank of California *applies* its monied power *directly* to the practically operating interests of the

State and her co-interests, by aiding the manufacturer, the producer, the miner, and the shipper; these are all *developing* interests. The merchant, though called the middle man, properly belongs to this class, for, with his commerce, he brings us in contact and trade with the civilizations of the world; he buys and sells with every nation, and brings to us the profits of his exchanges; he introduces our commodities abroad and creates a demand for our products. The *direct* application of money exhibits and developes its power. A small sum given to the poor widow may save her from starvation, may procure her that nourishment necessary to sustain her until her strength returns, while she may starve, waiting for *aid* to *reach* her through the treasury of charitable institutions. The interests of a community and of a country are but *human* interests, and a sick business—like a poor widow—may become hopelessly insolvent, while millions are lying in the vaults of Savings Banks that cannot be reached in any ordinary *direct* business way. It is not *charity* to direct money properly; it is *development*, it is *wealth* and *prosperity;* and any system detrimental to the practical development of the practical resources of a country's and a people's wealth, is an injury *in toto*, even if there be commendable features attached to it. The manufacturer, the merchant and the miner must sell his establishment, his store, his mine, to buy a house and lot—he must mortgage in order to get at the accummulated monied power locked in the vaults of the Savings Bank. The Bank of California does not ask the merchant to sell his goods, the manufacturer to sell his wares, the miner to sell his mines and mills, to draw their capital *out* of their business and invest it in real estate they may *mortgage* in order to get the circulating medium their business demands for the time. "*No, sir,*" Mr. Ralston would say to Messrs. Booth, Scott & Co., "go ahead, gentlemen; mould and forge and hammer out the engines, the mills, and the stamps your customers require of you, you shall have all the money you want for legitimate business purposes; the capital you have invested in your business, and your business reputation, is a better guarantee to me than a mortgage." And so Mr. Ralston would say to the merchant, the shipper and the

producer. This is what I mean by the *direct* application of money. Booth, Scott & Co. may have a million of dollars invested in their business ; they may have deposited hundreds of thousands—through their employees—in the Saving Bank ; yet, with all they employ, create, and contribute, they are unrecognizable at the counter of the Savings Bank without a mortgage in their hands—at the very Banks which hold, manage, and control the money of the masses, the masses who depend on the manufacturers, builders, etc., for employment—for that remunerative and profitable employment which enables them to live, to save, and to accummulate. All legitimate creating business channels are more or less *independent* as well as *de*pendent ; *i. e.*, they are *characteristic*, are separate in their rising and flowing, though they all empty into the same reservoirs, viz : the Banks of the country. The iron and foundry business will illustrate my meaning. Messrs. Booth, Scott & Co. employ four hundred and twenty-five men, about three hundred of whom are skilled workmen, in the manufacture of engines, mills, etc., etc. Their average wages are three dollars per diem for each workman ; this gives a total of one thousand two hundred and seventy-five dollars per diem, thirty-three thousand one hundred and fifty dollars per month, and three hundred and ninety-seven thousand eight hundred dollars per annum, nearly four hundred thousand dollars. The *savings* of this amount goes into the Hibernia or other Savings Banks, and beyond the reach of Messrs. Booth, Scott & Co. until they choose to mortgage their homes or real estate. The money Flood, O'Brien & Co. pays B., S. & Co. for manufacturing their $500,000 Quartz Mill for the California Mine, paid *out* by B., S. & Co. for *labor*, goes *immediately out* of the manufacturing channel and *into* the real estate and mortgage business, an ultimatum as injurious to the permanent prosperity of real estate interests as it is at *once* and *directly* injurious to the manufacturing interests, since real estate is only valuable in ratio with the amount of industry, business and development in and around which values arise and grow. Should the great Comstock Lode cease to pay, and the mines of California cease to yield, for a time, the half a hundred millions in the Savings Banks

will offer no stimulus to silent forges, noiseless establishments and a languishing commerce. The few millions in the Commercial Banks could not keep the *heart* and *veins* of our active interest full of blood while the Mortgage Banks were drawing off a dozen times as much blood as the Commercial Banks were able to supply. To give a clearer idea of the character and workings of Savings Banks, twenty-three of those institutions in New York city had, in 1872, a deposited capital of one hundred and thirty-three million two hundred and fifty-six thousand three hundred and ninety-three dollars, and the total of those Banks in that State, at that time, contained three hundred and five million three hundred and thirty thousand three hundred and thirty-one dollars. The report of the business done by those Banks for the year 1872—made January 1st, 1873—shows: Loans on Bonds and Mortgages, over one hundred and four million of dollars, and Stock INVESTMENTS amounting to one hundred and fifty-three and a half million of dollars; fourteen million loaned on public stocks, near seventeen million on private stocks; twelve million deposited in Banks and Trust Companies. It is very easy to see that the savings of the people do not pass from the Banks in which they are deposited into the channels where the people find employment. The funds of Savings Banks are used rather to build up powerful corporations, whose policy and safety, while grasping and accummulating, lies in controlling, directing and using the savings of the people. There is a channel, a stream of gold flowing from the Commercial Banks—through the medium of skilled and unskilled labor—into the vaults of the Savings Banks. The source and supply of the Commercial Bank is foreign, they look to Europe, to the exhaustless and plethoric metal veins of Nevada, and to the portion California yields in ever-incereasing quantities. The Savings Banks have stood still since their first spring into life; they have made no changes, no improvements, no steps *forward*. The machinery of to-day is an improvement on the machinery of twenty, ten, or five years ago. The Quartz Mill of the past answered its purpose, but it is but a useless and expensive machine to-day. What the true and vital interests of trade and commerce and manufactures demand *must come forth* in this age,

for upon their development and prosperity depend the well-being and prosperity of city and country, of State and Government. Stand still we cannot. To be knocked down and crushed by the wheels of progress is and will be the fate of him who loiters. If institutions will not keep up with the requirements and demands of the times, the sap will run out of them—they will find themselves empty-handed, particularly those institutions which hold nothing in their hands they can call their own. It is a wise provision in the Statute of our State which compels the Savings Bank to have a guarantee capital of three hundred thousand dollars in order to loan on other than mortgage security. Therefore the Savings Bank that *has no capital of its own* is only *allowed to loan on mortgage security*. NO CAPITAL OF ITS OWN. It is really *no Bank at all.* It is merely a *place* where people deposit their money to be loaned by self-constituted and irresponsible agents; *irresponsible* because they furnish no *guarantee* for the safe custody and proper management of funds and securities. Let us see how this kind of business works. The Hibernia Bank, *i. e.*, Mr. Martin, Mr. Tobin and Mr. ———, who constitute the Bank, have thirteen million of dollars loaned to them by the people. Now the question is, would the people loan Martin, Tobin, etc., thirteen million of dollars were their identity not obscured by the euphoneous and inspiring name of their Bank? They have a deposited capital of thirteen million six hundred and forty-seven thousand six hundred and thirty-five dollars. That *entire* sum, with accumulated interest, belongs to depositors. How much of that sum has been paid out for rent, salaries, and the expense such extensive machinery and workings naturally incur? There are no provisions made for expenses in these banks. No funds for buying property, and erecting fine buildings for banking and other purposes. *Each* depositor is entitled to the *amount* of *his* deposit and *interest* thereon. Now, if each depositor was to demand his or her deposit, with interest due, *who* would be responsible for the deficiency? The bank has no guarantee capital, and it has been known to loan deposits *in large sums* at nine per cent. per annum, and pay depositors ten, eleven, and as high as twelve per cent per annum. The fact is, Savings Banks cannot reimburse

their depositors, but the *perpetual* increase in deposits over disbursements renders an accounting unnecessary. The increase in deposits in the various Savings Banks of the City over the deposits of the year previous, amounted to eight million two hundred and seventy-six thousand one hundred and thirty-three dollars. Those banks have now become strong and independent. They can afford to dictate, and to name the value of money, and to allow such rates of interest as best suits their purposes. The majority of the Savings Banks in this city are of a national, sectional, or society character, at least in name. The "Hibernia," the "French," the "German," the "German Union," the "Masonic," the "Odd Fellows'," the "Red Men's," etc., etc. Now the Germans, the French, or the Hibernians, the Masons, the Odd Fellows, or the Red Men, are no more *responsible* for the solvency or monied obligations of the banks bearing their names, than is the street whose name we have adopted, responsible for the contracts of this bank. Yet the public—the depositors generally—do not understand that those well-chosen appellations have such a light bearing on their security, no better than they are able to comprehend the inside workings of the institutions in which they deposit their earnings. We all understand and commend the grand principle which composes the foundation and basis of the Savings Bank. In no period of man's history has the supremacy of the almighty dollar been so emphatically and so generally recognized. Birth, education, talent, genius and pride are compelled to pay obeisance to money, even if it be in the possession of the ignorant, the vulgar and the unprincipled. Money *commands* and *demands ;* the possession of it *elevates*, and the want of it *humbles* and enchains. If the people do not wish to become and remain subservient, they must not become or remain poor, for poverty means and *is* slavery. The only principle on which they can become rich and preserve their independence, is that of economy, is that of *saving* the profits of their earnings. Necessity will force them to industry, but there is no law to compel a man to save his money, unless he aspires to independence, for that "*glorious privilege*" he must possess money, and in order to possess it, he *must save* his small earnings, and place

himself in a position to defy the wolf; then, and only then, can he be independent, can he preserve his rights, and hold grasping, usurping and dethroning capital from *overreaching*, and from pulling down destruction upon itself, and upon those it would bind and enslave. But the Savings Banks of San Francisco, with some exceptions, operate directly against the interest of depositors. The millions in their vaults belong to the masses, to the people who are unable to own property on Montgomery, Kearny, Market, or other valuable business streets of the city. If the posessor of property at all, the Savings Bank depositors own *suburban* or other cheap property, which is generally rejected and unrecognized as security for loans by the institutions their ready money keeps in existence. These Banks have their prescribed limits within which they select their securities. This discrimination is an injury to all property *outside* of said limits Thus the owners of cheap real estate put their money in the hands of men who use it to depreciate the value of their property. The small property holders, skilled mechanics and workmen generally, *keep their money*—through the agency of the Savings Bank—*from the reach and use of the very men they look to for employment*, and from improving and increasing the value of their own property. There are exceptions in all cases, and there are exceptions in the management of Savings Banks. The French Bank—a most prosperous institution—has no prescribed limits, does not discriminate, nor seek to depress or bear any property within the city limits, having perfect title. The German Bank is also intelligent and solid in *its* management. Through the aid extended by that Bank the Real Estate Associates have done and are doing an immense amount of substantial good by providing comfortable and even elegant homes for the people on the most practical and reasonable terms. The building of four hundred homes, averaging five thousand dollars each in cost, is of more consequence to the city's prosperity than is the erection of a palatial hotel. Four hundred buildings, allowing twelve lots to the acre, will cover thirty-three and a third acres ; and, allowing the average of six persons to each house, will accommodate two thousand four hundred people. The additional value surrounding property acquires by the erection of so many com-

fortable and respectable homes cannot be fairly estimated the first year after their erection, but it is and will always be commensurate with the class and character of improvements.

I have remarked that the increase in deposits in the Savings Banks of San Francisco in the year ending January 1st, 1875, amounted to over eight million of dollars—a most interesting result for the most extravagant city, population considered, in the world. She lives like a prince, and squanders like a profligate, and yet she saves eight million a year to add to her reserve, which now amounts to more than double as many millions as she is years of age. When this twenty-five-year-old city reaches the maturer age of forty—the time when, if ever, man's profligacy yields the throne of judgment to common sense—her savings institutions should contain deposits sufficient to buy the San Francisco of to-day. The increase in the deposits of the Savings Banks of New York State, from the year 1858, at which time she only had a little over forty-one million *in toto*, to January 1st, 1873, amounted to two hundred and forty-eight million six hundred and twenty-one thousand two hundred and twenty-seven dollars; OVER SIXTEEN MILLION AND A HALF per annum. The highest yearly increase ranging from twenty-four and a half million to over thirty-seven million of dollars. The reports of other Eastern and Middle States are proportionately interesting. Wherever there is intelligence, energy, drive and pluck, the Savings Banks, thermometer-like, mark the progress and wealth of the people. These figures show you the important business you are entering, and you may contemplate what ability, application and integrity can accomplish in this field. No persons are more entitled to the business and confidence of the community than you are, and if you will invest that attention, care and effort you can command, with the experience you have gathered from years of practical industry and observation in this city and State, you will soon prove to the community that the MARKET STREET BANK OF SAVINGS is an able, responsible, intelligent and useful institution, demanding and taking a position in the front rank among the leading and influential Banking institutions of the city.

Now, in consideration of the foregoing facts—but briefly stated—I propose:

First.—To establish a Bank, to be called "THE MARKET STREET BANK OF SAVINGS."

Second.—That its capital stock shall be ONE MILLION OF DOLLARS, divided into TEN THOUSAND SHARES of the par value of one hundred dollars each.

Third.—That an assessment of thirty-one per cent. of the par value of the capital stock be levied, *pro rata*, on each share of the capital stock of the Bank, to be due and payable at the time of issuance of any share or shares of said capital stock to any person or persons subscribing for same.

Fourth.—That no subsequent assessment shall be levied on the capital stock of said Bank, for the purpose of increasing its paid-up capital, until the amount of one million dollars, including first payment of thirty-one per cent., has been paid in by the earnings of the Bank.

Fifth.—That no cash dividends shall be declared or paid by the officers of the Bank until after the earnings of the Bank have amounted to sixty-nine per cent. of its capital stock.

Sixth.—That regular monthly dividends shall be declared as the earnings of the Bank will justify, until said earnings and stock dividends amount to sixty-nine per cent. of the capital stock of the Bank, and the Bank is in possession of its full amount of cash or paid-up capital, viz., One Million Dollars.

[REMARKS.—The cash and available value of a share of the Bank stock being thirty-one dollars, a credit or stock dividend of five dollars declared by the Bank, would fix the market value of said share at thirty-six dollars, with as much additional premium as the stock may command in the market; and so, likewise, with every additional dividends until the cash and par value of the stock are equal.]

Seventh.—That after the full amount of the capital stock of the said Bank, viz., One Million of Dollars, has been fully paid in, such regular monthly cash dividends shall be declared and paid to the stockholders as the earnings of the Bank will justify.

Eighth.—That the Bank shall, when in funds, loan at the rate of eighty per cent. on its own capital stock.

Ninth.—That the Bank will receive deposits from the people in sums from one dollar up to thousands of dollars, and furnish depositors with "Bank Books" free of charge.

Tenth—That the officers of the Bank shall not be allowed to make personal charges for their personal profit wherein titles, abstracts and documents have to be examined or prepared, or in any manner wherein loans and transactions are being made by the Bank.

Eleventh.—That the Bank shall only loan on mortgage security, or on long terms, when its funds cannot be safely and profitably loaned on other securities for short terms.

Twelfth.—That the Bank shall prefer to make loans for thirty, sixty and ninety days, at one per cent. per month.

Thirteenth.—That the manufacturing, mercantile and commercial community be held preferable and of more importance to the true interests and profits of the Bank, and advantageous to legitimate and permanent interests than mortgage or stock security.

Fourteenth —That the Bank shall also issue checks, and do a regular commercial Banking business in all its various branches, as well as conducting the Savings and Loan departments.

Fifteenth.—That deposits be classified and draw, or not draw interest, according to their character.

1st. That general deposits, subject to check, having remained in the Bank less than thirty days, draw no interest.

2d. That thirty-day deposits shall draw interest at the rate of four per cent. per annum.

3d. That sixty-day deposits shall draw interest at the rate of five per cent. per annum.

4th. That all deposits remaining over ninety days shall draw six per cent. per annum.

5th. That all deposits remaining six months and over shall draw interest at the rate of eight per cent. per annum.

6th. That all deposits remaining twelve months and over shall draw interest at the rate of twelve per cent. per annum.

7th. That the average regular business balance in favor of the merchants' and manufacturers' account, shall be credited with interest, at the rate of ten per cent. per annum.

8th. That *all* deposits subject to withdrawal, at sixty days' notice, shall draw interest at the rate of ten per cent. per annum.

9th. That *all* deposits made, without agreement of special notice, shall be subject to checks and drafts, and shall draw interest at the rates specified and regulated by the length of time the deposit has remained in the Bank.

Your attention is now invited to the SECOND enterprise spoken of, viz: The San Francisco Land and Building Company. This Company has no *corporate connection* or *responsibility* with the Market Street Bank of Savings—*no more than it has with any other Savings Bank in the city.* Your principal business will be to make *short* loans at *rates of interest* the Land and Building Company will not engage to pay. Any loans the Land and Building Company may negotiate, will be for a term of years, and at mortgage rates of interest; therefore, the workings of these two institutions in money matters, wherein loans and accommodations are at issue, will be found incompatible. I am *explicit* on this point, since the Land and Building Company will occupy the rooms in the rear of the Bank, and may be incorrectly surmised to be a part of the machinery of the Bank.

You are called upon to investigate, to understand and to *invest* your influence, energy and capital in developing its property and business interests and operations, for the same reasons you have been invited to invest in and co-operate with the Bank, viz: to share in the profits that will arise from its operations, to benefit those who deal with it, and to establish permanent and beneficial improvements. Twenty-five years ago, the 25th day of this month, San Francisco was—legally—born. It requires no word-painting to tell what the past quarter of a century has done toward giving the world a new metropolis—a new, grand and attractive centre for wealth, population, manufacture, com-

merce and trade—no more than it requires prophetic vision to read the development and achievement the pregnant future will continually pour into the lap of the ever present and busy hour, until *another* quarter of a century shall have placed San Francisco beyond the bulling and bearing power of the monopolizing greed of the age, and above and beyond the reach of the mud-throwing croaker, who keeps his forefinger pointed before his winking eye as he looks wise and wends his way to the home of the poor and the unsuccessful man. The city that will stand on this peninsula, twenty-five years hence, will double the city of to-day in population, wealth and improvements. This calculation, I know, is a very modest one, but even a growth of that magnitude will not be produced by idle hands, nor will the labor be performed without profit. As this "SECOND" enterprise, to which your particular attention is called, proposes to build extensively and to supply *hundreds* of families with homes, I will, briefly as possible, refer to the present status of San Francisco as to buildings, population, etc., and to the area and topography of the unimproved portions of this peninsula, before exhibiting the plans of the Company for future operations, or describing its property. I will consider,

First.—The area contained within the city's boundaries proper: "The city's southern boundary is the United States township line, six miles south from the Presidio, and east to west—that is, from bay to ocean—is six miles. This gives thirty-six square miles, or 23,040 acres. Deduct from this the area of parks, 1050 acres; other reserves, squares, etc., 100 acres; Presidio Reservation, 1500 acres; cemeteries, 400 acres; Industrial School land, 150 acres; lakes, 500 acres; Mission Hills, over 500 feet elevation, and, therefore, practically unavailable, 1300 acres—a total of 5000 acres—and there is left 18,040 acres to divide up into streets and building lots, if the lots are 25x100; which, at twelve lots to the acre, gives 216,480 lots."—[*Wheeler.*

Second.—Improvements. "There are twenty-three thousand seven hundred buildings in San Francisco, of which four thousand three hundred are of brick."—[*Langley.*

Third.—The number of buildings erected during the year end-

ing February 28th, is one thousand three hundred and eighty-nine, of which seventy-one are of brick, at a cost of four million four hundred and eleven thousand dollars, and one thousand three hundred and eighteen wood. Four million nine hundred and thirty-three thousand eight hundred dollars. [The number built by the Real Estate Associates up to March 10th, 1875, was FIVE HUNDRED AND FOURTEEN; they are now averaging a house and a half a day.] Total, nine million three hundred and forty-four thousand eight hundred dollars. If the amounts disbursed in improving the water front and public streets, and in beautifying our parks and private residences be added, the aggregate amount for improvements of all kinds for 1874-5, will exceed ten million of dollars.—[*Langley.*

Fourth.—Population March 1st, 1875: San Francisco contained two hundred and thirty thousand inhabitants, an increase of nearly thirty thousand, or about fifteen per cent., upon the population at the corresponding date of 1874.—[*Langley.*

An increase of population at the rate of fifteen per cent. per annum is unusually rapid, and may not be expected to continue for a period of years. This ratio would give San Francisco, in 1900, a population of nine huudred and eighty thousand. And an increase of buildings at the same rate of the past year would give a total increase, in twenty-five years, of thirty-four thousand seven hundred and twenty-five. Such a result in population and buildings would credit each house with over sixteen occupants, a per centage almost three times as large as any city in the United States Allowing an average approaching that of Boston, New York or Philadelphia, say six persons to each house, an additional population of two hundred and eighty thousand three hundred and fifty. would require the additional number of buildings, viz.: thirty-four thousand seven hundred and twenty-five. Of this number. the Real Estate Associates will, at least, erect twelve thousand five hundred, averaging, in cost, four thousand dollars each, and amounting, in total, to FIFTY MILLIONS OF DOLLARS. It is useless to under-rate the wonderful history of this city, or to speculate as to its probable future. The fact that her resources are so extensive, so exhaustless, and so diversified, and the equally

important fact that she stands in the great highway of the nations of the earth to enfold the commerce of the world in her arms, and the no less interesting characteristic of climate, which—while it gratefully develops and ripens into perfection every cereal and luscious fruit of temperate and tropical climes—allows the skilled artisan, the mechanic and the manufacturer to work every day in the year, without that climatic interference which operates so seriously against extensive labor enterprises in other countries, should banish speculation and bring us to see, to acknowledge and to appreciate the tide of immigration and wealth pouring in upon this bay and ocean-washed city, whose arm, stretching northward, holds Alaska, with her furs, her fisheries, her interminable forests of valuable woods; British Columbia, with an area and with natural internal resources sufficient to make a dozen States like Massachusetts, and, although a British Colony, her interests are so directly allied with those of San Francisco, and the Englishmen so near like ourselves, or we so "*very like*" the Englishmen, that we mingle in industry, business and trade, the same as if we belonged to one family and flourished under the same flag; Washington Territory, with her coal, her fields and forests, and her mines; Oregon, with her beautiful valleys, her magnificent rivers, her extensive ranges, her forests and mines; Idaho, pouring all her trade into this city—and Idaho has not yet been touched; she is a vast Territory of agricultural and mineral wealth, and is capable of supporting a large population—and whose arm, stretching southward, holds Territories and countries teeming with wealth surpassing all other sections of the globe. He who can arouse his imagination to follow the course of *one* of the rich Territories, of *one* of the magnificent countries, of *one* of the infant States of this Western world, as it passes from the germ into a development, growing into a State possessing all the elements of greatness, can behold, with his mind's eye, *one* of the MANY great STATES and rich countries that will always be considered as *local* contributors to and co-partners in the mighty city whose suburbs will encircle the Bay that flows through its heart from the Ocean. I repeat, it is almost useless to speculate as to the ultimate greatness of San Francisco. He who can measure the compass of her resources,

who can measure their capacity to produce, who can measure man's power and define his genius, would be but an unhappy wretch among those who are unwittingly laying the foundation for the grandest city ever built by the hands of men. Let us, then, take but the actual figures of to-day for our basis, and engage in the work of the hour, and *reap* while we sow for those to come after us. There is a demand to be supplied, there is work to be done; we are here on the ground, with the material, the means, and the appliances about us, and all we have to do is to *resolve* and *act*, and the happiest results will be attained.

The San Francisco Land and Building Company propose to build, on their Holly Park property, one hundred and sixty houses in two years, dating from to-day. Those houses are to cost from FIVE to SEVEN Thousand Dollars, making the total cost of the whole number One Million of Dollars. The lots, 25x100, will be sold at seven hundred dollars each, making the total cost of lot and building, respectively, fifty-seven hundred and seventy-seven hundred dollars—thus putting the seven-tenths of the cost of one and the ten-twelfths of the cost of the other into the house, an advantage readily observable : the lot can and will increase rapidly in value, but house comforts and conveniences cannot be increased and enlarged without additional cost.

Those buildings and lots will be sold on long credit, to be paid in monthly installments or rental. At least five years' credit will be given, and by the time the payments are completed the lots will have increased in value at least seven times their original cost. The locality will be made one of the most respectable as well as one of the most beautiful in or about the city.

The entire Holly Park tract, including the Park, is bounded by Mission Street on the West, by Laurel Avenue on the East, by Courtland Avenue on the North, and by Crescent Avenue on the South. The Park has never been deeded to the city, and yet remains a part and parcel of the property enclosing and surrounding it, and belongs to the respective owners thereof. The Company's Holly Park property embraces *all* the property around the South half of the Park, bounded on the West by Mission Street and Crescent Avenue, on the East by Laurel Avenue, on the South

by Crescent Avenue, and on the North by West Avenue, Park Avenue and East Avenue, together with its interest in Holly Park. The Company's property contains four hundred and thirty-five lots, admitted by all to be the most beautiful property in or about the city, with a surface as even and regular as if made by the hands of man.

THE DRAINAGE—the first and all-important consideration, and without which no locality is fit for homes, and for which all reasonable, practical sacrifices should be made—is perfect, and no changes can ever be made to affect or destroy it. The greater number of the lots slope toward Islais Creek Cañon, the remainder to Mission Street and Mission Creek. The view is one of superior attraction and beauty, commanding the Bay and the opposite shore and mountains to the East, the Industrial School Valley, University Mound, Bay View Valley and the Bay to the south, the Ocean hills to the west, and the city, reaching it wedge-like, to the north. Interests in the Park will be conveyed to those purchasing homes from the Company, thus giving the Park to the property-owners about it, who may hold it jointly and make it a place of profitable public resort, or deed it to the city on condition of improvement, etc. The north half of the property is owned by Mr. James Fair, a millionaire, of the firm of Flood, O'Brien & Co., gentlemen who, when they make improvements, make those not easily excelled in solidity, utility and beauty, and the Spring Valley Water Company, who have already constructed an extensive, solid, and even handsome reservoir, which they have ornamented with grasses and evergreens. The plan of the Company is to build houses on their Holly Park property, fast as sales are made, until the one-half of the property is sold. The remainder will be held for prices that will average the Company three thousand dollars per lot, and in total, nine hundred and twenty-nine thousand five hundred dollars, a consummation that will be realized by the Company in five years, a value the property would command to-day, were it similarly located at Boston, Chicago or St. Louis. This property is *in* the city; *the city street lamps reach it now;* homes are built, and are being built around it. St. Mary's College, a well-conducted and popular

College, joins it to the south. Were these acres, if you please, located SEVEN MILES from Wall Street, in New York, it would sell, lots 25x100, *at auction*, for seven thousand six hundred dollars per lot, and for a total of three million three hundred and six thousand dollars, the price obtained at the sale of the Post estate in that city. The subject of improving Holly Park has been somewhat considered, by those interested, and, although no plan has as yet been decided upon, the idea of handsomely inclosing and planting a dense forest of trees will likely prevail—a forest to be composed of trees of every variety and beauty—thus giving to San Francisco a grove nine acres in extent, and a most charming and delightful resort. The splendid growth of the hundred or more trees in the beautiful grounds in front of St. Mary's College, a more windy place than Holly Park, because it is in the Islais Creek Cañon channel, shows what can be done in tree raising any and everywhere in and about San Francisco. Rows of trees of more rapid and hardy growth can be planted, to shelter those more tender and delicate in their young stages. By this method every variety of tree can be successfully raised, until the forest becomes a self-protecting shelter, and the pride and joy of San Francisco—a grove that will ring with the music of birds and the laugh and song of merry children. This is no word picture; it is but a mental glimpse of what the San Francisco Land and Building Company will cause to become a reality. No improvement, except that of adequate *general* drainage for the city, which encroachments upon the Bay, and ignorant, rascally engineering has rendered practically impossible, would prove more gratefully beneficial to the whole population than the planting and rearing of a magnificent grove, covering nine acres, within the city limits—within twenty-three blocks of the City Hall. The Valencia and the Mission Street Cars will run to this property. The only southern outlet the city has, except the San Bruno Road, is *via* Mission Street; Howard, Folsom and Bryant Streets terminate at the base of Bernal Heights. Valencia Street will intersect Mission Street at West Avenue, the principal entrance to the Park. FIFTY applications have already been made for homes at Holly Park, on the instalment plan, and

soon after the books of the Company are regularly open, and the Company is prepared to commence the erection of buildings, the whole of the first instalment, viz., eighty buildings, will, no doubt, be readily subscribed for, as the opportunity to secure such homes in such a healthy, convenient and charming locality, at such low rates and on such easy terms, will never again be offered in this city; and even those who are not situated to occupy, will purchase those elegant sites and delightful homes for speculative purposes, for there are thousands in San Francisco thoroughly educated as to the importance and value of good drainage, pure air, cheerful prospects, good neighbors, pleasant approach and communication.

The next property to that of Holly Park, belonging to the Company, comprises four hundred and eighty-two lots at University Mound, directly opposite, south and across Islais Creek Cañon, a short distance from the southern line of the Holly Park property. The grand future awaiting that property is as certain as is the future growth and prosperity of the city. There is no like *quantity* of property in the City and County of San Francisco so favorably located for residence and business purposes, as is *all* of that property contained in what is known as the University Mound Survey. The Presbyterian College grounds inclose a beautiful mound in the centre of the survey, and from which the property took its name. At the foot of this survey lies that valuable property, extending to the Bay, that is destined to become the site of the great work-shop of San Francisco. Both land and water seem to have been brought together and shaped by Nature to make it the great mechanical and manufacturing locality of the city, a fact that will speedily commence to take form, and shape the beginning of a future that we of to-day can form but a faint idea. The Company's lots at University Mound are, with scarcely an exception, the most beautifully located suburban residence property in the City and County of San Francisco. The view they command of land and water is unsurpassed. Those lots were selected with great care, and will require no grading. They are naturally prepared for immediate occupation. This property will be *the last* the Company will improve, as the want of cheap

car communication will hold it impractical for general building purposes for some time to come.

The third tract belonging to the Company is located at Bay View, and is known as the Paul Tract. This tract, containing six hundred and eighty-three lots, is the most valuable of the Company's property, and will, in another decade, be worth two or three million of dollars. This is discounting the future very largely, and will sound like wild speculation to those who have not studied the topography of the land upon which San Francisco will be built, and the water front facilities for the accommodation of extensive commercial and manufacturing interests. Those lots would have to reach a value of four thousand dollars each to make the tract worth two million seven hundred and thirty-two thousand dollars.

One hundred and sixty dollars a front foot for that property in ten years. Montgomery Street is about the same distance from the water front, and is on a line that will regulate values. People can use their pleasure about buying property on Van Ness Avenue, or on any residence street in the city; but the manufacturer and commercial agent is *compelled*, is *forced* to accommodate his business; his desire may be on Van Ness Avenue, or in the sand hills, but his business locates him on the manufacturing and commercial *line* at the Bay, *along the water front.* And ten years may make such property at Bay View as valuable as Front Street property. In that case, lots would range from seventy-five to one hundred thousand dollars each. It may also require twenty years to create such values. However, such prices are too remote, and do not come within the range of our calculations at this time. The improvements decided upon by the Southern Pacific Railroad Company, when completed, will start this property on its upward grade. Surveys have been made by the S. P. R. R. Co. for a shore line road, to reach their depot in Mission Bay.

Work will be commenced by the S. P. R. R. Co., as soon as the full right of way has been obtained from property holders along the line. The documents for the right of way through the property belonging to Lux & Miller, were executed a few days ago, and property holders all see the necessity of a ready and

cheerful acquiescence in granting such rights as the road requires. The San Francisco Land and Building Company, understanding the difficulty and expense of constructing a shore line road, will grant the right of way through their property free of charge, and will render the S. P. R. R. Co. all the consistent and practical aid in their power to facilitate the work of bringing ship and car together, along the entire line of the city's water front, for the advancement of commercial and manufacturing interests. The line of this road passes through the Company's property, and at or near which a passenger station will be located, from whence cars will be run to Townsend Street in eight minutes; commutation tickets, three dollars per month. There will also be a passenger station, south of the Paul Tract, at Visitation Valley.

Any person at all familiar with manufacturing interests, understands that the occupancy of extensive grounds at expensive rentals will eat away what, under more practical and favorable circumstances, would constitute the manufacturers' profits. The drayage on coal and iron from ship to shop is an important item of expense, as well as renting and occupying property valued at three or four hundred dollars per front foot. These are facts and figures, and are stubborn and inexorable tyrants, and when their demands are not met the machinery of business ceases to operate, ceases to perform its functions. SOUTHWARD, Southward, along the city's water front moves the sound of the hammer and the forge, the stroke of the engine, the scream of the locomotive and the prow of the ship, and no interests can exist powerful enough to stop it; it is nature, *practical* nature; the land and the sea hath said it *shall* be, and so it *will* be. These are the interests, COMMERCE and MANUFACTURE, that will bear directly upon the Company's property at Bay View, and the one, or more of you, who lives to see another decade record the city's progress, will see the estimate I now make to be modest and far below the results realized. When the S. P. R. R. Co. shall have their cars running to their terminus at Mission Bay, over the shore line, the San Francisco Land and Building Company will commence the erection of houses for workmen on the Paul Tract, and will continue building until the one-half of the lots are improved, sold and oc-

cupied. The policy of the Company will be to hold portions of its unimproved property for the term of ten years; to buy in large tracts, and, by building and improving, create values. Good streets and good sewers will be constructed on all property improved by the Company. The welfare of those who shall occupy, and the welfare of the city, will be considered by the Company, as well as the more selfish interest of profit and gain.

The entire property of the Company consists of: The Holly Park property, FOUR HUNDRED AND THIRTY-FIVE LOTS; the University Mound property, FOUR HUNDRED AND EIGHTY-TWO LOTS; and the Paul Tract, SIX HUNDRED AND EIGHTY-THREE LOTS—in all ONE THOUSAND SIX HUNDRED LOTS; *and it could not be duplicated for double the amount of its cost*, even if a like quantity could be found similarly located. As the Company *will not sell any of its lots for a price less than seven hundred dollars*, the total value of their property is fixed at one million one hundred and twenty thousand dollars, an amount far in excess of its available value to-day, but an amount far below the sum the Company will realize by the plan adopted for its sale, viz.: by improving and selling a certain number of lots each year, commencing on the Holly Park property. If the Company's property is sold in five years' time, at the average rate of sixteen hundred dollars per lot, the Company would realize two million four hundred and sixty thousand dollars, *i, e.*, not counting profit on the eight hundred houses the Company would erect in selling their property. The estimate of eight hundred houses in five years will fall short of the number the Company will erect. "The Real Estate Associates" will erect at least *five* hundred houses this year.

Now, as to the character of this Company, its financial resources, etc., etc.: The San Francisco Land and Building Company was incorporated September 30th, 1874. It has a capital stock of ten millions, divided into one hundred thousand shares, of the par value of one hundred dollars. The Directors of the Company have fixed the *cash* value of the stock at *ten dollars per share*, gold coin of the United States, making the actual cash and property capital of the Company one million of dollars. The average cost of the one thousand six hundred

lots purchased by the Company is four hundred and twenty-five dollars per lot, and the total cost is six hundred and eighty thousand dollars, of which amount the Company has paid, in STOCK, at the rate of ten dollars per share, three hundred and thirty thousand dollars, viz. : To Thomas B. Lewis, and others, two hundred and ninety thousand dollars; and to John W. Gashwiler, forty thousand dollars. There remains to be paid on Bonds and Mortgages three hundred and fifty thousand dollars. The remaining sixty-seven thousand shares will give the Company its property clear of all incumbrance of any and every character, and leave it three hundred and twenty thousand dollars cash in its treasury for building purposes. This amount of *cash* will enable the Company to build *eighty* houses, and to sell *eighty* lots at seven hundred dollars each. Buildings erected on the *wholesale* plan, *i. e.*, by purchasing all material in wholesale quantities for *cash*, and by having each specialty efficiently superintended, labor properly selected and directed, and kept constantly employed during the hours it belongs to the employer, will cost, at least, one-fifth less than when constructed by inexperienced individual supervision. The building of eighty houses on the Holly Park property, worth, per retail, five thousand dollars each, will settle the question of the value of the lots. The Company will not commence to build until the full number of eighty houses have been subscribed for, *and the first payment of their purchase made.* This is and will be the guarantee the individual purchaser has, that his lot will be worth, not seven hundred, but one thousand dollars, or more, when he steps in to take possession of his home. This plan, or system, of *united* improvement, *creates the value at once*, and gives the Company a handsome profit for furnishing the money and the property, for doing the work, for presenting the opportunity, for fixing the terms of sale and purchase, and for placing elegant and valuable property within the reach of those who are prepared by education, by cultivation, by refinement, desires and tastes to *appreciate* a home—a class who yearn to bring up their children on a particular *spot*, and beneath a particular *shelter*, and amid particular *surroundings*, memories of which will cling to them through life; memories which all centre in one word, viz.: home—a class

who ever gaze toward the coveted object, who, like the thirsty traveller on the desert, stimulated by the false yet inspiring mirage, struggle on toward comforts that only exist for them in delusive dreams—a class who can never *occupy* and eventually *own* a home unless they are *placed in it* and *given the time* their own peculiar resources require to enable them to pay for it. Such people could never be contented and happy in a home ever so luxurious, were the surroundings not congenial and associations in accordance with their respectability and tastes. This may seem a useless digression from the subject—from the business question being considered; if so, it is *not* what it seems, for home means all we claim for it; and it is for these advantages homes are sought, and they constitute the basis of the success of all building enterprises. Thus, the erection of eighty houses fixes the value of the first eighty lots sold by the Company; thus, the second purchaser has no questions to ask as to whether the lot sold him is worth the price to be paid for it, and thus the second instalment of eighty buildings bestows a double benefit, a double improvement and profit on the purchaser of one or more of the first instalment of houses built by the Company, but the greatest benefit bestowed is the *possession* given the purchaser on payment of his first purchase instalment. He lives in and occupies his own home, and is, in every real and practical sense, lord and master of his own home, the same as if it were fully paid for, and when *all* the instalments, like rental obligations, have been paid, the purchaser is in absolute ownership of a home double or treble in value above its original cost. No other result can be anticipated in a city growing, expanding, extending and being enriched like San Francisco. There is no question as to the advantages and blessings accruing to purchasers, but the benefit is not single. The Company proposes to *make money*, and it thus frankly and independently declares its meaning and intentions; and even goes so far as to tell how much it proposes to make on a lot, and how much it will try to make on a house, but the Company also proposes to act and operate on the principle of *enlightened selfishness*, *i. e.*, to see that those who patronize it also make money. If the Company can clear a thousand dollars,

including contractor's profits and amount saved by purchasing all material for cash, and at wholesale rates, it will be doing what would be *impossible* for the individual to do in building a single house. Every individual who has built one house learned a great deal, and paid a great deal for what he learned. The fact is, there is no more reason for a man to undertake to build his own house, than there is business reason for him to undertake to build his own carriage, make his own watch, weave his own carpets, etc., *ad infinitum*. A person, to be able to superintend the building of his own house, must, or ought to be, a good carpenter, mason, plumber, painter, etc.; otherwise, his supervision will be an expensive luxury or venture; a variety of skilled mechanical branches of labor are brought into service in building a house, and the knowledge and expertness of each special branch must be complete in order to make a perfect whole. The Land and Building Company, through its various supervisions, will master the whole and preserve the principle, and reap the profit of educated practical economy. A system or principle can only be preserved where a knowledge of its contrary or opposite exists. One must understand where the *leak* is, before one can stop the waste.

I will repeat that, to *direct* labor and keep it *constantly at work* in the right place and manner during the hours it belongs to the employer, is preventing a very great leakage in house building; and to be able to buy material per quantity at the very lowest cash price requires a thorough knowledge of the cost of its production. Now, as to the value of suburban property, nine years of experience has given me some knowledge of its value and use. Nine years schooling in San Francisco ought to give to a man possessing ordinary intelligence a thorough knowledge of that class of property. I confess it has worried me considerably. One fact I have learned well, viz.: that suburban property requires car communication and improvement to keep it advancing in value. *It will stand still if let alone.* But it will become sensitive and buoyant if pushed with improvements. People will build their homes in the sand and adjoining the enclosure of a graveyard if there is car communication with it; and they will consider the most beautiful and desirable property in a city as worthless to

them if it is not accessible by cheap and continual communication. There is another fact, equally important—another bit of knowledge worth pasting in your financial scrap-book, viz.: unimproved suburban property, cut up into small lots and divided among the people—*i. e.*, the multitude—will advance backwards. The people will *not* unite in improving property; they will *not* unite in the construction of street railways; but they *will* throw every obstacle possible in the way of him who works to bring about the very thing their property requires. These facts caused me to concentrate the ownership of cheap property, for the purpose of improving and seeking the benefits and profits sure to follow. A very great mistake was made in selling the water lots in front of the city before they were reclaimed and made available for building purposes. The water-front—except the donations made to corporations—belongs to the multitude—to hundreds of individuals—to people who will *never unite in* their reclamation, and, as the reclaiming of single lots *is impossible*, the property *must revert* to city or State before its utilization will become an accomplished fact. It will be said that the Company paid too high a price for their property—not by those whose judgment of real estate values has made them rich; that lots very near Holly Park can be purchased for less than four hundred and twenty-five dollars at retail. This is true; there are lots near Holly Park that are not worth grading at this time. There are others, with even surface, deprived of view; and there are others on which a purchaser may build, and find miserable shanties arise around his home to annoy and disgust him—to compel him to buy off a nuisance or to sell his own property at a sacrifice to get away from disagreeable influences—but all of this is characteristic of property in and about San Francisco. The most beautiful suburban property may be made almost worthless by a few low people, whose ill-bred children make parents tremble for their little ones. The Holly Park property possesses an extraordinary value because of the extraordinary respectability it will attain through judicious handling and improving by the Land and Building Company. I am, perhaps, more general and reaching in my observations than may seem to be necessary; but I consider the erection of homes and the improvement

of property one of the most important enterprises man can engage in. It affects both the present and the future welfare of the city; and the individual or company improving and refining homes and exciting pride in and love for that most sacred of all earthly institutions, becomes a public benefactor, and the profits thus created and obtained are honorably and nobly earned.

A few more figures and I will close.

With the stock of the Company all sold, the Company will be in full and complete ownership of one thousand six hundred of the most beautiful and desirable unimproved and cheap property in the city; and will have three hundred and twenty thousand dollars in cash in its treasury, with which it will at once erect eighty buildings, with results approaching the following, viz.:

80 Houses, cost $4000 each; total	$320,000	
80 Lots, cost $425 each; total	34,000	
80 Houses, sold at $5,000 each; total		$400,000
80 Lots, sold at $700 each; total		56,000
Profit	102,000	
Cost of remaining 355 *unsold* lots	$150,875	
Value of remaining 355 *unsold* lots		$248,500
Increase	97,625	
	$248,500	$248,500

Total profit and increase on first instalment of buildings, viz.: 80 houses, erected by the Company, and sale of 80 lots, may reasonably be placed at the following figures, viz., one hundred and ninety-nine thousand six hundred and twenty-five dollars.

The second instalment of eighty buildings, will show as follows:

80 Lots, cost $425 each; total	$ 34,000	
80 Houses, cost $5,600 each; total	448,000	
80 Lots, sold at $1,000 each; total		$ 80,000
80 Houses, sold at $7,000 each; total		560,000
Profit	158,000	
	$640,000	$640,000

Cost of remaining 275 *unsold* lots, $425 each; total	$116,875	
Value of remaining 275 *unsold* lots, $1,000 each; total		$275,000
Increase	158,125	
	$275,000	$275,000

The sale of the Holly Park property, on the plan of improvements, will give you an idea of what the Company would realize on the sale of the whole of its property on the same plan in five years time, or conjecture what the half of it, held *unimproved*, would yield the Company in ten years from to-day.

This shows a profit, on the sale of one hundred and sixty lots, and on the building and sale of one hundred and sixty houses, amounting to two hundred and sixty thousand dollars, and a fixed increase in value amounting to two hundred and fifty-five thousand seven hundred and fifty dollars; and all accomplished in two years time. The remaining fifty-seven lots, to complete the sale of the one-half of the property, *will not be sold by the Company for less than twenty-five hundred dollars per lot*, or a total of one hundred and forty-two thousand five hundred dollars, making the total price received by the Company, when all sold, amount to two hundred and seventy-eight thousand five hundred dollars. The remaining unsold half of the property, viz.: two hundred and seventeen lots, *will not be sold for less than three thousand dollars per lot*, making the total amount received for the entire Holly Park property, nine hundred and twenty-nine thousand five hundred dollars. Now, gentlemen, these figures will not be found far from the result you will realize. These calculations are based on the principle that improvements create values—the principle on which cities are built—the principle that turned the sand-hills and lagoons of San Francisco into property worth from five hundred to three thousand dollars per front foot; and minds that will pooh! pooh! at these figures will never contribute much toward building cities, or give executors annoyance settling estates. The lots in this city that can be immediately occupied—

occupied without cost of grading—lots eligibly, pleasantly and conveniently located, will advance so greatly in value in the next five years, that the croakers and old fogies will feel like committing suicide for not having secured some of them. All the labor performed by this Company, and all the profits realized by it, and all the increase in value created by it, will *bear directly on the stock of the Company*, and will add to its real and available value—will fill the purse of the stock owner. There is no bonanza so sure, so valuable, so lasting as real estate in San Francisco. The Company's lots will be increasing in value when the stocks of to-day have disappeared entirely from the market. The books of the Bank and of the Land and Building Company are now open; the shares of the Bank at thirty-one dollars on the hundred, and the shares of the Land and Building Company at ten dollars on the hundred; and the management of both enterprises I now place in your hands, feeling and knowing that the success of each will be as great as is your integrity and ability, and commensurate with the wealth and magnitude of the field in which these two enterprises are now launched.

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Wm H. Davis Esq—
Compts J. B. Metcalfe

ORATION

DELIVERED BY

Hon. JAS. B. METCALFE

AT

VALLEJO, CAL.

JULY 4th, 1881.

Barry & Baird, Printers, 419 Sacramento Street.

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HON. JAS. B. METCALFE

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JULY 4TH, 1881.

ORATION.

Mr. President and Fellow-Citizens—

When first I was honored with your kind request to address you to-day, I accepted that most pleasing and responsible duty with a light heart, and devoted myself to my task, absorbed with those emotions that spontaneously well up in our breasts when we dwell upon the inspiring and patriotic memories that cluster around the celebration of this day. But little did you, did I, or the great people of this mighty country, think that our glad anticipations, or the joyous feelings that attend upon the anniversary of the nation's birth, would be so rudely checked, and the ceremonies of to-day be performed under the shadow of the great sorrow that has so suddenly cast its gloomy pall over the land.

The Chieftain of the Republic lies upon his anxious couch, stricken by the murderous hand of an assassin. The Holy Writ proclaims that "the heart is deceitful above all things, and desperately wicked;" and to-day, we stand appalled and aghast with horror when we realize that a human heart could be so desperately wicked as to wantonly incite the arm to strike so cruel a blow; for we cannot believe that any of God's creatures, bearing the semblance of man, with whom the light of reason has still an abiding place, could be so infamous, so degraded, so inhuman, as to commit the horrible crime that makes the nation's heart stand still.

Let us hope, let us think, let us believe, that the accursed creature immured at the nation's capital is bereft of reason, and a mind dethroned veiled the enormity of the act. Could we think otherwise, could we believe that so hellish a purpose existed, had been matured and carried into execution with cool premeditation, a frenzied people

would have, 'ere this, burst the restraints of law, and in swift retribution, torn the ungodly miscreant limb from limb.

We had feared that the glad shouts of the people and the salvos of artillery of to-day would be turned into the lamentations of a grief-burdened people, and minute guns for the dead; but thank the God above that through his infinite mercy the messenger of death has failed in its deadly errand; and let us invoke, and every temple of the Almighty throughout the land send up its invocation to the God of the brave and just, to preserve the life of our President in all the fullness of its usefulness to his loved ones and his countrymen. But banish the great anxiety that has filled your bosoms, and the depression that weighs upon your hearts, for the cheering news comes that his life will be spared; then let his preservation be the renewal of enjoyment of this day, and with fifty million people shout your hosannas to the Highest, from hearts made joyous again. Yet here let us turn, then, from these sorrowful contemplations to the subject that has brought this brilliant assembly together to-day.

The mass of humanity is moved by passions of either prejudice, self interest or affection; but there is no passion that can so absolutely absorb the emotions of the human heart as that of the love of one's country. It is the simplest and yet the grandest sentiment that ever impelled men to deeds of valor or of self-sacrifice. 'Tis the historian's most pleasing task, the sculptor's greatest incentive, and the painter "dips his brush in dyes of heaven," to keep burning the patriotic fire in the hearts of his countrymen. What other feeling that possesses the human heart, ever inspired men with more fervid enthusiasm, loftier courage, or makes it a pleasure to suffer the keenest sacrifice? It is unquenchable, and ceases only when the spirit leaves the frail tenement which it animates. Its votaries may be scattered and rent, and other lands may offer hospitable asylums, but the true patriot will cling with undying zeal to the land of his birth and his home.

Then, fellow-countrymen, how pre-eminently fitting that there should be a time in every land, and how thankful should every American feel, that this day, the natal day of the Republic, has been made the greatest national jubilee and set apart, for all lovers of their country to worship at the tombs of their fathers.

The anniversary of this day witnesses the hearts of this driving, restless people pulsating with one common sentiment, throbbing in sweet unison, and blessing the Providence that gives them a peaceful and happy country. Wherever there is a citizen of the Republic today, whether on the vine-clad hills of France, the Steppes of Siberia, amidst the tropics, or on the bosom of the mighty deep, his thoughts will revert to his home, and, if in his power, will unfurl to the breeze that starry ensign, the symbol of liberty, and standing menace to oppression. But as we thank the Almighty Power that has protected us through trials and dangers, and has guided our destiny up to this day, let us ask, too, that as the coming years press forward to meet us, its return shall view the sun of liberty in glorious effulgence, shining upon a contented, happy and united people, with the old flag still floating above us, but with a more brilliant halo from the flashing light of the new stars that are to join their sisters upon its azure field. But, fellow-citizens, if this is to be; if this country is to be one and indivisable, strong and powerful, and the appointed sphere where science of government, and all the expanding accompaniments of a great human, as well as a great national destiny, are to be unfolded, depends upon our manhood, integrity and political honesty. Would any man be willing to proclaim himself so ignorant as to say that this Republic is not now beset by dangers? dangers, too, more difficult to avoid, more difficult to fight, and harder to conquer, than those we have been faced with before? We can always be prepared to meet the swords and cannon of a material enemy, but whether public virtue will always rise triumphant in the moral contests of our country, is yet an unwritten story.

The fathers of the Republic fashioned this grand temple of liberty amidst the severest trials. The silvery locks of old age, hardy manhood, the youth and the maiden had been thrown out from the old world by oppression to seek homes in the forests of America. Here liberty was to erect its shrine and gather its worshippers from every clime, and the American system to be brought forth, with its mission, the elevation of man.

The period of time at which the Republic was born is so recent, that we can trace its growth with almost the same certainty as if we

were the contemporaries of its birth, and historians have been able to pen events from the lips of living actors, and not be lost in the uncertainty of tradition. We gaze with feelings of wonder at the colonies planted in different parts of the continent, remote from one another, and under such diverse circumstances, but united at last, as if by a guiding intelligence, into a splendid political fabric of superior strength and solidity. The columns of the edifice were reared separately, but the structure became a harmonious whole.

The Pilgrim fathers of New England, the Huguenots of South Carolina, the Cavaliers of Virginia, all passed through common trials in the battle for freedom. The fierce yell of the savages, the blazing cottage was the oft told tale of the years preceding the revolution. The far west was the coveted prize of contending Nations, but the spirit of liberty had become too much the nature of those sturdy people to be crushed, and the patriots of 1776 finally taught the world what brave men can do when animated by a just and noble cause.

Peace came, but did not leave the young Republic the prey of licentiousness, unblushing effrontery and public corruption, such as we have of late years suffered, and which seems always to follow an internecine war. I fear that these are legacies fraught with fatality to the country, left us by our late unfortunate struggle, and which have infected the State with their pernicious blight. I mean this in its broadest significance. How we have felt the deep mortification of witnessing official position prostituted to base purposes, betrayal of public trusts, unblushing shamelessness when detected, shining in social life when a guilty culprit, and the blare of disgrace accepted as the mark of a man. These are the perils to which I referred, and which are a part of the great moral contests through which we are passing, and yet, fellow-citizens, that public depravity and vitiated morals exist, is the fault of the people. Our legislators, our Judges, and elective officers, are but the reflex of the people themselves, and if we were not morally unsound ourselves, an unsound man could not represent us. Search the history of the Republic of Rome, and we find that decadence and degeneration slew the fair proportions of the "Mistress of the World," when the eyes of public virtue had been veiled, and corruption held high carnival. The greed of hoarding vast possessions, and the vicious use

made of that wealth, underminded and destroyed the morals of the people, and the Prætorian Guard auctioned the Imperial Prize of governing to the highest bidder. There is nothing so despicable as demagogism, and I do not think that I would be charged with it, when I say that there is a feverish fear among the people of the overshadowing power of the moneyed autocracies of the United States; not that vast wealth in a country so free as ours, is in itself, to be feared or envied, but it is the vicious use that is made of it that creates anxiety. It is an unpleasant, a distasteful, and a fearful truth that these great powers, and it is in this respect they become dangerous and are to be feared, have not unfrequently controlled the State and municipal legislative departments of the land. But are we not in a vast measure to be blamed for this? The power is always with us to correct the evil, but experience seems not to be followed by legitimate results, and we again and again repeat our error by clothing with public power those whom temptation overcome; and I must confess when these unholy facts can be, anxious forebodings as to our future, force themselves upon us.

It is the absurd vaporings of a demagogue, to say that the possession of colossal wealth makes a man the less a patriot, or blunts the pure love of his country, or his earnest wishes for the welfare of his countrymen. It is the illicit employment of riches that has been sometimes made in our own public affairs, which, when we examine the grim facts of history that record the deplorable results that its silent power has wrought, and consult our reason and observation, we cannot repress some misgivings as to its effect upon the future of the Republic.

And just here allow me to quote the opinion of that great Englishman, Lord Macauly, who, relying upon such facts of history, the indiscriminate expression of opinion, and the untramelled exercise of its choice of ruler that perfect political freedom gives, wrote the following to Mr. Henry S. Randall, in 1857:

"I never uttered a word or wrote a line indicating an opinion that the supreme authority in a State ought to be entrusted to the majority of citizens told by the head. I have long been convinced that institutions purely democratic must, sooner or later, destroy liberty or civilization or both. Your constitution is all sail and no anchor.

Either some Cæsar or Napoleon will seize the reins of government with a strong hand, or your Republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire was in the fifth, with this difference—that the Huns and Vandals who ravaged the Roman Empire came from without, and your Huns and Vandals will have been engendered within your own country by your own institutions."

And this man was called a "liberal" thinker by historians!

But, believing as I do, believing as you do in truth, in regenerating ideas, I place my faith in an allwise Providence, and confide in the final triumphant reign of the principles upon which our government is founded; we can claim victory though, only through ceaseless and untiring efforts to maintain those principles. A representative dare not be other than what the people permit. If the people are not true to themselves, their representative will be neither true to himself nor the people. Knowing their moral infirmities, and failing to punish their defection, you become *particeps criminis*, and indifference in this is as bad as positive connivance.

The remedy is with you, and the future can be moulded by you. But you cannot afford to sit supinely down and look to that tremendous engine of power, the press, to always correct the evil. The press, in part, sometimes is venal, and lends its potential aid to the wrong-doer. The power is with you to seize with a master-hand the situation, and where you find a recreant, speedily, swiftly consign him to merited shame and oblivion, and teach him that there is a majesty in those three little words, "we, the people," and that moral condemnation will follow if the Courts of Justice cannot reach his guilt. These facts are some of the defects of our system of government, but we can work out the destiny and mission of the Republic, and link its fate to the "Rock of Ages," if we but guide the moral sentiment of the masses. This accomplished, and the Republic will live to see Republican Europe.

Let us turn from the picture which presents the perils that we have to fear and guard against, wishing, hoping, and always believing, that the children of the Republic shall ever retain that type of sturdy manhood and moral bravery that formed the admirable character of our revolvtionary sires; that retaining these characteristics, we can have an abiding faith in the perpetuity of our institu-

tions, and know that we shall not weep, that our children, and our children's children, shall not weep, "Such tears as patriots shed for dying laws," but that the unborn generations of centuries to come shall, in peace and unison, gather together at each anniversary of the Nation's birth, to tell the world that the Republic is immortal.

What then are the elements of safety to our institutions to which we, as citizens, must cling, so that the ship of state in the fiercest storms shall not drag her anchor? We must make our practice conform to our principles; we must act the noblest truths which we profess to believe, and hold that no man is a true American who separates his morals from his politics.

We hurl back to the imperialism of Europe, the proud boast, that we are a people capable of governing ourselves. 'Tis true we are testing the experiment, but there are wise men who have lived before us, who have said, and philosophers of to-day who say, that self-Government will always remain an experiment, and what reason is there to be deduced from civilization, experience or history, that we, too, will not mature and decay, repeating the history of other nations that have played their part in the great drama of life and passed from the stage? Unless we profit by the examples of history, be sleepless sentinels over public morality, let swift justice follow the guilty public servant, it matters not whether the culprit be surrounded by the panoply of a kingly office, or holds the humblest trust in the people's gift, then we, too, will be convulsed by anarchy and disintegration. Designing schemers will spring to the front, tyranny and despotism will take the place of the sovereignty of the people, and patriots will exclaim in the language of one of the noblest daughters of sunny France, when standing within the shadow of the murderous guillotine,

"Oh liberty, what crimes are committed in thy name?"

We must never lose sight of the glorious mission of the Republic, the elevation of man. The grand strides that we have taken in this astonishes, and is a perpetual menace to the political systems of the older countries. The intelligence of the masses of our country is far beyond that of any other land, and the avenues to knowledge are so diffuse, that in this respect the Union is incomparable. No where else do schools, colleges and lyceums thrive as here. The people

educate their poor, and the greater the diffusion of knowledge, the less the liability of there being ignorant administrators of public duties. The priceless boon of an education is within easy reach of the humblest citizen, and we should never look upon the culture of the masses other than as a bounden duty. It is then that our system of public instruction will be the greatest safeguard to American liberty. It is one of the most important duties of a citizen to foster and cherish it. The more enlightened the individuals of society the higher the civilization of the country. The career of the Union must be progressive and elevating, to stand still, would be to retrograde; and the greater the intelligence of our citizens the easier the task to not only keep abreast of the progress of humanity, but to lead it and become its expositor. In vain would intellect lay the foundations of national greatness if it were to meet with stolid indifference or apathy. The seed must fall upon a generous soil to render a rich yield. The dissemination of knowledge will bring out the beauty, simplicity and grandeur of our system of [redacted] government, and aid us to more intelligently enjoy its blessings.

No people ever had more reason for an enthusiastic pride of country than Americans. Our achievements in the arts and sciences and the practical benefits to the human race, are accorded a reluctant admiration by the countries of Europe. It was an American who could say to the sullen ocean, you may rear your rugged front between ourselves and our kinsmen, and tell us that naught but the white-winged messengers of the sea shall bear our greetings, but we will pierce thy bosom with the "fire of Heaven," while you roll on in helpless rage. It was an American who first subdued that mysterious power of steam to traffic and commerce upon the waters of the globe, and rendered transit from the most distant lands swift and sure. It was Americans who first drove the iron horse high across the rocky heights, where his fierce snort reverberated through mountain peaks. Even in our own beautiful State we have witnessed what American pluck and energy can accomplish. Three or four gentlemen from within their own resources, in a few short years, have stretched an iron arm through the arid waste of Arizona and New Mexico, leaped the Rio Grande, and are now piercing the heart of the great State of Texas, and soon the city by the Mexic Gulf

and the halls of the Montezumas, will clasp hands with the City by the Golden Gate. It were useless to dwell longer upon this part of my subject, for volumes would not contain it; but we are free to say that it is only in the domain of literature and some few arts and sciences, that the older countries are for a time our superiors. In the friendly contests between our own and the citizens of foreign countries, the prize has generally been awarded to American skill, and each year sees some new laurels added to America's fame, and in the Olympian contests of the day, the olive wreath has often graced the brows of her sons.

Year by year we find ourselves in constant wonder at the progressive and sometimes gigantic enterprises of our citizens. Indomitable pluck and brilliant courage seems to be an inherent characteristic, and the rapid recuperation from reverses is a source of admiration to our brothers across the sea. There is one instance of superb courage by a gallant gentleman and his companions, that I would fail of my duty did I neglect to mention it, for the hearts of the American people flow out in tender sympathy to-day, to the heroic commander and crew of the steamer Jeannette. God grant that the warm blood of his own brave heart and those that are with him, may not be chilled by the [illegible] blasts of their ice-bound prison, but that their protecting arm may burst their merciless barriers, and bring back the good ship to her port again.

Notwithstanding the achievements of to-day, of which we are justly proud, our brilliant future will be made or marred, according as we frown down sectionalism, that obstacle to peace and unity, or allow it to rage.

Washington, with prophetic insight into the disasters that would befall the Union when sectionalism should become rampant, inveighed against and warned the people against the evils that would follow in its train. If we do not foster conservative influences and those sentiments that elevate the soul of man, and seek to allay prejudices, then we may expect that the animosities which burst into flames in 1860, will still be the gangrene upon the body politic. The institution of slavery, which was finally the pregnant source of direful woes to our country, has been obliterated, and throughout the land

all stand equal before the law. If there be any who still harbor the animosities of that period to them, I would say,

"Oh still to the past must the present be the vassal,"

and ask them to recollect the language of Mr. Webster; "circumstances have entailed it (slavery) upon a portion of our community, which cannot be immediately relieved of it, without consequences more injurious than the suffering of the evil," and to those who cannot forget, and yet nourish the heartburnings that sprang from the political controversies over it, to remember, "that the chain that encircled the ankle of the bondsman, laid heavily upon the limbs of the master." Why is it that political subjects cannot now be discussed without that bitterness that breeds estrangements? I do not expect a political millenium, but I do expect to see the time when such matters can be discussed without such heart and rancor, and with no greater warmth than a generous zeal for the honor and happiness of the country would excite.

But there are vehement spirits in the political arenas of the land, whose intemperate zeal, that "blind conductor of the will," leads them into passionate extravagancies; some who seem to sieze opportunities to excite the people, and would fain make us believe that the animosities engendered by the war are necessary to the safety of the Republic. It is an ungracious task, and in answer to them, I would say, sound the *reveille's* stirring notes again, and call up from every corner of the Union the brave men who were arrayed against each other in that fratricidal contest; not your camp-followers, but those men who stood with bayonets locked amidst the roar of cannon, who in those four long, dreary, dead years, when the glare of battle but rendered that fearful night darker, and ask them I say if the war and its bitterness is not ended? The cheering answer will come back from each manly breast that the animosities of that woeful time lie deeply buried in the graves of the gallant men who gave up their lives in the struggle. Who, I will ask, that is acquainted with the workings of human nature or the indications of human feelings, will, for a moment, believe that any spirit of revenge has a lurking place in their hearts? No, they honor, they trust one another, and,

together, they wreath a common wreath for the graves of the sleeping soldiers, whether from the rugged hills of Maine or the leafy bowers of Louisiana.

I speak for myself; I do not intend that the humble capacities that I possess shall be employed in the unmanly task of the abuse of my countrymen. The space of life alloted to us here is too brief, and the field of action too full of honorable deeds to be accomplished, to waste life and happiness in censures and reproaches. I would rather stand by the graves of the fraternal dead, and lay in tender sympathy my floral offering above them, and in a spirit of forgetfulness of the scars left by that fearful struggle, exclaim to the warrior dead:—

"And you whom this song cannot reach with its transient breath;
Deaf ears that are stopped with the brown dust of death;
Blind eyes that are dark to your own deathless glory;
Silenced hearts that are heedless to the praise murmured o'er ye:
Sleep deep; sleep in peace; sleep in memory ever; wrapt each soul in the deeds of its deathless endeavor,
'Till the great Final Peace shall be struck through the world;
'Till the stars be recall'd, and the firmament furl'd,
In the dawn of a daylight undying—until the signal of Sion be seen on the Hill
Of the Lord; when the day of the battle is done,
And the conflict with Time by Eternity won."

The noblest feeling that I have, is to be among those who clasp hands above those sacred mounds that lie scattered from the Potomac to the Gulf, and pledge our soldier faiths to lift the Republic to assured safety, more enduring happiness and greater glory; that our steel be kept bright for foes without our borders, and a righteous and indignant arm for him who would disturb its peace.

And now, fellow-citizens, if we are but true to ourselves and true to the destiny of our country, we can feel assured of the perpetuity of all that is good and great in our institution of Government. That we can look down the dim vista of the future and see it already lit by the dawning rays of a career both grand and magnificent.

In our land the seats of educatiou shall rear their proud edifices, and be the rich storehouses of thought and learning. American art will become distinctive, and grace the land with its adornments. Science will assist to lift the veil from the great arcana of facts undiscovered, and bear us onward and upward to the Empyrean of Truths ascertained. Religion, with its benign aid, will make us a better and happier people, and there will be no corner of the Union

where the "Ark of the Covenant" will not find a resting place. Literature, poetry and eloquence shall dispel ignorance and prejudice, and shed their brilliant light to receptive minds. Governmental science shall receive its fullest test, its broadest development, and our system be justified. And as we look backward to the grandeur of the nations that have come and gone, and guided by the examples they have left us, we shall be inspired to mould the future of the Republic into its promised greatness. May the sun never rise upon the coming anniversaries of this day, but to light the homes of a happy, contented and united people.

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ADDRESS

DELIVERED BEFORE

THE SOCIETY OF

CALIFORNIA VOLUNTEERS,

AT ITS

FIRST ANNUAL CELEBRATION,

At San Francisco, April 25th, 1866,

BY

WM. GOUVERNEUR MORRIS,

(OF NAPA COUNTY,)

Formerly Adjutant Second California Cavalry; late Captain and A. Q. M., U. S. Vols.

PUBLISHED BY THE SOCIETY.

SAN FRANCISCO:

COMMERCIAL STEAM PRINTING HOUSE: FRANCIS, VALENTINE & CO.

No. 517 Clay Street, and 510 to 514 Commercial Street

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ADDRESS.

Mr. President and Gentlemen of the Society:

To perpetuate the memory of past deeds and associations, by the renewal of friendship and the commingling of thought, is both pleasant and useful, tending to promote good fellowship and raise ourselves in the scale of social communication; whilst we enjoy the beneficial results from an interchange of sentiment, fraught by years of stern experience.

The rebellion has been squelched, treason subjugated, an erring and misguided people have laid down their arms, vanquished sorely in the conflict, and peace has been proclaimed by the President of the United States.

Rapid and varied have been the events which have convulsed the life of the Nation, and threatened its very existence during the past four years. It will be impossible in the course of this brief address to allude to the causes which brought about this unhappy state of affairs; alas, they are too deeply engraven upon the hearts of the American People, to require any explanation or elaboration at the present day. Our province to-night will be to examine what part we have played in the great struggle for Liberty and human freedom, and, though circumscribed may have been our sphere, to examine well our own immediate history and actions, and see if we can lay our hands upon our hearts with the conscious and proud satisfaction of knowing that we have done our duty, humble though may it have been in its peculiar details.

The idea of the formation of this Society was a good one, and if properly carried out, may result in many beneficial results. It dates its existence from the 2nd day of January of the present year, and its objects can readily be gathered from the language of the preamble, which reads as follows:

"We, the undersigned, having been officers of the California Volunteers in the service of the United States during the past four years, and deeming it honorable and worthy of commemoration to have served our country in its hour of peril, and being desirous of perpetuating the friendship and ties engendered during that period, and of cultivating social intercourse in the future, do form ourselves into an association and adopt the following constitution."

Terse and to the point are these few words; how fraught they may yet be of importance to us all. Isolated as we are from our Atlantic brethren, dependent in a great measure upon our own resources, we should "in time of peace prepare for war," and never again be placed in the alarming and perilous situation we were in the early spring of 1861.

When the secret history of the late rebellion comes to be written, events will appear of so startling a character as almost to challenge belief. It is well known in military circles that a deliberate plan was formed to revolutionize California, and join her fortunes to the oligarchy of Jeff. Davis, Wigfall and Company. The extent of this plot was so great, and its ramifications were so numerous, as to speedily call the attention of the authorities at Washington to the necessity of prompt and speedy action.

Here on this coast we were slumbering upon a volcano, ready to burst out at any moment. Not dreaming of danger, we were quietly watching events at the East, Micawber like, "waiting for something to turn up;" the military commandant of the Pacific, more than *suspected* of incipient treason, perhaps ready and willing to deliver up Fort Alcatraces and all our defenses to such men as Austin E. Smith, Calhoun Benham, Charles T. Botts, and others of that kidney, the pink of southern chivalry.

I will here state, however, as an act of justice to the friends of the late General Albert Sidney Johnston, that they claim—with what show of reason or groundwork of fact to rest upon I know not—that General Johnston never would have betrayed the Federal Government as long as he held a commission under it. I hope inwardly that such may be the case; but his subsequent career in the Confederate service, ending with his life, might perhaps preclude the probability of the truth of such a hypothesis.

We have before us the example of the infamous surrender of that arch coward and traitor, David Emanuel Twiggs, in Texas, a like surrender in New Mexico, by a like man, one Isaac Lynde, late a Major in the Federal army; and were we to go on, there would be no end of finding out how base and hollow were the protestations of these high born, high bred, chivalrous sons of the South.

Suffice it to say that the Pacific Coast was not thrown into the jaws of the enemy. How was this brought about?

Five years ago this day a vessel steamed through the Golden Gate, bearing amongst its passengers a man of martial form and noble mien. Quiet in his embarkation from the city of New York, retired during the voyage, his presence was hardly known, and his real character undiscovered, till the steamer approached the fortification at Fort Point, when he appeared in the full uniform of a Brigadier-General in the United States Army.

Such, fellow citizens, was the advent of General Edwin V. Sumner to this coast. Hardly had the steamer been made fast to the wharf and discharged her living cargo, ere the following remarkable order was published.

HEAD-QUARTERS, DEPARTMENT OF THE PACIFIC,
SAN FRANCISCO, April 25, 1861.

[Order No. 5.]

In compliance with Special Order No. 86, dated "War Department, Adjutant-General's Office, Washington, March 23d, 1861," I hereby assume command of this Department. Al concerned will govern themselves accordingly.

(Signed) E. V. SUMNER,
Brigadier-General U. S. Army.

Official. R. C. DRUM,
Ass't Adjutant-General.

I challenge the most expert of you all to produce a composition more decisive and comprehensive. From that hour California was safe, loyal men could breathe easily and retire to their couches in security; treason was nipped in the bud; Chivs, who heretofore were as thick as leaves in Vallambrosa, suddenly became scarce, had G. T. T. (gone to Texas) marked on their doors; and embryo Confederate Generals and officers of all grades gnashed their teeth and clawed their nails in their impotent rage, that they were *one day too late.* Yes, be it here proclaimed, and I say it boldly, General Sumner arrived here *not one day too soon!*

New life was infused into Union men. His administration was commenced by the removal of all doubtful officers from important commands, and placing in their stead men of known loyalty and fidelity. He at once commenced to raise troops for defense here. The Governor of the State issued his proclamation, and right nobly did the sons of California respond to the call. To the efforts of General Sumner may the first regiments of volunteers raised in this State attribute their efficiency. It is true that the discipline, drill and organization was most of it perfected after he had been called to another scene of action, but the proper selection of officers was due to him. It may now be stated—a fact of which, probably, none

of you are aware—that so little confidence did the Administration have in the patriotism and integrity of John G. Downey, the accidental Governor of California, at that time, that General Sumner was empowered to commission all officers himself, should he deem it necessary. Happily he was not called upon to exercise this power. Governor Downey, as a general rule, appointed loyal men, and as competent as could be expected, for at that time we were infants in the art of war.

His selections of field officers, it is true, were made from the regular army in the main, and it was unfortunate for the different regiments that they were detatched from their commands at so early a date. The remainder of his appointments were made from politicians chiefly; and to their honor be it said, that but few carried their party prejudices into the corps of the army. Such as did, failed signally as soldiers, were either dismissed in disgrace, resigned under charges, covered with odium, the laughing-stock of every man possessed of the true military spirit.

General Sumner was permitted to remain but a short time with us. His eminent services as a soldier were required at the seat of war on the battle field. His mission here was accomplished; he had saved California from impending ruin, rescued her from the infamous jaws of treason and the machinations of detestable traitors, many of whom are now boldly stalking Montgomery street to-day, prating of their loyalty, and endeavoring to make it appear that they have Tylerized President Johnson, who, did he deem it necessary, would use all the manila in Front street in stretching their miserable necks, if required for the salvation of the Government.

General Sumner departed as quietly from this coast as he had come. He was permitted to depart unheralded. Our platform statuary and leading citizens of well known loyalty and liberality (?) were *non est inventus*, probably shut up at this very time in their counting rooms, devising schemes to repudiate in California the introduction and circulation of the national currency; when, it may be observed, that had it not been for General Sumner, many of these same merchant princes and eloquent divines, might have been lashed naked through Portsmouth Square by the scions of Virginia chivalry in California, and exhibited as the Romans did their gladiators, and deemed it a prized boon to be permitted to black the boots of such heroes as Duke Gwin, or curry horses for David S. Terry.

General Sumner turned over his department to worthy and noble hands, mention of which will be made hereafter. His life, so valu-

able to his country, was sacrified at the altar of his ambition. He died, as he had lived, an accomplished soldier and a finished gentleman. I know of no one in whom were more centered all the qualities which entitled him to be considered as the Marshal Ney of America.

This day has been well chosen as your anniversary. This selection was a happy thought which suggested itself to el Capitan Don Patrico Munday—*esto perpetua!*

We can but glance briefly at the services rendered by our volunteers; remote as they have been from the immediate scene of conflict, opportunities for individual daring have been but rare, and their engagements but mere skirmishes compared with those of greater magnitude. In the old army they would have been called hard fought battles before the late war. The *result*, however, of our services, may be far greater than is generally attributed to us, and may some day meet with a just reward. At the present time, however, it must be confessed, that to have served in the army faithfully during the war, is the surest thing to defeat an application for employment at the hands of the San Francisco merchants and capitalists, who have stayed at home, coined money out of the war, and lustily shouted for freedom, and shed huge crocodile tears at the fate of the intelligent contraband and the oppressed freedman.

California, during the late war, furnished more troops for the Federal Government, than the effective strength of the regular army consisted of at the breaking out of the rebellion. By reference to the last report of the Adjutant-General of this State, late Colonel George S. Evans of the Second California Cavalry, who has carried into the organization of the State Militia, his correct and well deserved experience in the service; it will be found that California raised as soldiers, rank and file, sixteen thousand two hundred and thirty-one men; of this number, five hundred were credited to the quota of Massachusetts, men being sent from here as substitutes for drafted men there. Had I been Governor of California, they never should have left this coast as such an organization. Massachusetts should have filled her ranks at home and not come here to recruit.

Of the troops thus raised may be classified as follows, bearing in mind that the total are all the enlistments during the war, it being impossible without much research to determine the exact number of commissioned officers, so the aggregate cannot be given. I should judge that at least eight hundred officers have been commissioned. The figures refer to the rank and file:

First Cavalry	1,686 men.
Second Cavalry	2,399 men.
First Native Battalion of Cavalry	564 men.
First Infantry	1,407 men.
Second Infantry	1,858 men.
Third Infantry	1,580 men.
Fourth Infantry	1,633 men.
Fifth Infantry	1,000 men.
Sixth Infantry	1,213 men.
Seventh Infantry	958 men.
Eighth Infantry	1,018 men.

The Battalion Mountaineers raised for especial service against the Indians in the northern portion of this State, were commanded by Colonel S. G. Whipple. They were in service but a few months. Their strength was four hundred and ninety-five men, exclusive of officers.

California also furnished several companies of men for the different volunteer regiments which were raised in Oregon and Washington Territory, which are not enumerated in the above figures. It will be thus seen that this State has not been backward in sending men to the field, and when we take into consideration that for years the troops have been paid in a depreciated currency, worth at times thirty-eight cents upon the dollar, whilst the Legislature of this State, composed of men elected as Unionists, were passing laws nullifying Acts of Congress, playing into the hands of Copperheads, and making themselves ridiculous generally, it is a great wonder, and can only be attributed to the superior state of discipline prevalent amongst the California troops, that they did not disband, throw down their arms, and abandon the Legislative Solons to the tender mercies of the Southern Chivalry, who would have horsewhipped them into the Sacramento river, had they not entertained a wholesome fear and well conceived dread of the bayonets of the blue-jackets.

The operations of our Volunteer Contingent have been extended over a scope of country thousand of miles in extent, reaching from the extreme border of our possessions in the Northwest Pacific to the Rio Grande.

In the fall of 1861, Colonel Carleton, of the First California Infantry, and Captain and Brevet-Major First Regular Cavalry, since appointed Brigadier-General of volunteers, commenced organizing an expedition at Camp Drum, since named Drum Barracks, Cali-

fornia. This army was intended for operations in Arizona and New Mexico, and just prior to leaving Fort Yuma and crossing the Colorado, was designated in orders by General Carleton as the "Column from California."

The troops composing this expedition consisted of, the First California Infantry, Col. Edwin A. Rigg commanding; Fifth California Infantry, Col. Geo. W. Bowie; First Battalion of California Cavalry, Lieut. Col. E. E. Eyre commanding (since raised to a full regiment); one company of the Second Cavalry, commanded by Capt. John C. Cremony; and one battery Third U. S. Artillery, Lieut. John B. Shinn, U.S.A., commanding—in all about twenty-five hundred men. The march of this column from San Pedro to the Rio Grande was a decided success, and reflects much credit upon the commanding General and the endurance of the officers and men. To those who have never served either in Arizona or New Mexico, the fatigue, trials, hardships and privations to which these troops have been subjected can hardly be imagined. Encountering arid wastes, tropical suns, deserts almost totally devoid of water, harrassed constantly by Indians, urged to deeds of brutal violence and murder by Mormon emissaries and depraved secessionists, I repeat that the courage and endurance displayed is of the highest character. In order that you may form some idea of how this force was employed, I here incorporate entire a copy of General Orders No. 4, of General Carlton, dated at Santa Fe, New Mexico, February 18th, 1865, giving a synopsis of Indian scouts and their results for the year 1864, in that Territory, together with an account of the establishment and prosperity of the Indian Reservation at Bosque Redondo—a document full of valuable information, and which should be carefully preserved in the archives of the Society. Produced, it reads as follows:

HEAD-QUARTERS, DEPARTMENT OF NEW MEXICO,
SANTA FE, New Mexico, February 18th, 1865.

[General Orders No. 4.]

I. The following record of combats with Indians on the part of the troops, as well as on that of citizens of New Mexico and Arizona, during the year 1864, is published for the information of all concerned. Only those operations are mentioned which were attended with results either in our favor or against us, and they are about as one to four; so that the account which follows shows but a faint idea of the work performed. It is possible that there may have been some robberies which are not mentioned here; but, if so, no authentic report of them has been received.

II. The number of Indians on the Reservation at the Bosque Redondo, as shown by General Orders, No. 3, series for 1864, from these Head-Quarters, was seven hundred and three Apaches and Navajos, on the 31st day of December, of that year.

January. Major Sena, 1st Cavalry, New Mexican Volunteers, with his command, arrived at Fort Canby, bringing in three hundred and forty-four Navajo prisoners.

January 3. Wagon-Master Russell's train, en route to Fort Canby, N. M., was attacked near the Puerco by about one hundred and fifty Navajo Indians. Mr. Russell was killed. Mr. Strong and two teamsters wounded. The three lead wagons were cut off, and twenty mules were taken by the Indians, together with some corn, blankets, &c.

This information was forwarded to the Commanding General of the Department, by Major John C. McFerran, Chief Quarter-Master, with the following remarks:

"Respectfully referred to the Department Commander for his information. This wagon-master, Russell, is Powell Russell, who entered the service of the Quarter-Master's Department, as a teamster, a poor, illiterate boy, in 1853. By his honesty, industry, modesty, truth and energy, he rose to be the principal, or head wagon-master in the Department. This position he has filled to the perfect satisfaction of *every one*, and has now fallen, like a true man as he was, at his post and doing his duty. It will be *very*, *very* difficult to replace him."

January 5. Major Edward B. Willis, 1st Infantry California Volunteers, Commanding Fort Whipple, Arizona, reports that the Penal Apaches run off eleven head of Government cattle, at Walker's Mines. A party under Captain Hargrave was sent in pursuit but failed to overtake the Indians.

January 6. Captain Julius C. Shaw, 1st Cavalry, N. M., Volunteers, Commanding Fort Wingate, reports that four Navajo Indians surrendered themselves at that post.

January 6. Major Henry D. Wallen, U. S. 7th Infantry, commanding Fort Sumner, New Mexico, reports that, on the morning of the 5th inst., the Navajos run off the Apache herd from that post. Lieut. Newbold, 5th U. S. Infantry, with ten mounted men of the 2nd Cavalry, California Volunteers, and the 5th U. S. Infantry, were sent in pursuit, accompanied by Mr. Labadi, Indian Agent, Mr. Carillo, Mr. Whittemore and twenty-five Apaches from the Reservation. Captain Calloway and his Company "I," 1st Infantry, California Volunteers, was directed to follow the trail of the mounted party. Lieutenant Newbold encountered over one hundred Navajos, mounted and on foot, about twelve miles from the post. A sharp fight ensued, in which nine Navajos were left dead on the field. The Najavos then broke into two parties and fled, and a running fight was kept up for about ten miles. Part of the force pursued one party to the Pecos river. Of this party, only eight escaped. Of the other party of Indians, only seventeen escaped, and some of these were wounded. Forty Indians are reported to have been left dead on the field, and at least twenty-five wounded. It is believed that nearly all the Navajos would have been killed had it not been for the extremely cold weather. The mercury was ten degrees below zero. The men could with difficulty cap their pieces—their fingers being so numb. Some were frost-bitten. About fifty head of horses and mules were recovered in this fight, all belonging to the Apaches. Major Wallen calls the attention of the General Commanding to the handsome manner in which Lieutenant Newbold managed this successful engagement; also to the meritorious conduct of the soldiers, citizens, and Apaches engaged.

January 8. Mr. George Cooler, Wagon and Forage Master, at Fort Craig, New Mexico, with ten infantry soldiers and a party of Mexican citizens, while on a scout after Indians, recovered one Mexican boy, named Vincente Ubano, who was stolen by the Indians near the Pecos river, one rifle and fifty-eight goats. On the 11th inst., came upon a party of Indians and succeeded in killing one and capturing one squaw and one child. In this skirmish two of the Cooler's party were wounded. One of them, José Garcia, died the next day. On the 12th, found seven horses and one mule, and captured two Indian women.

January 12th. Captain Julius C. Shaw, 1st Cavalry, N. M. Volunteers, commanding Fort Wingate, reports that Lieutenant José M. Sanches, with a detachment of Company "F," 1st Cavalry, New Mexican Volunteers, attacked a party of Indians near the Datil Mountains, and killed three men, captured two women and one boy, and 18 Navajo horses, and 62 head of sheep and goats. The Chief, Sordo, was killed in this fight. Captain Shaw also reports that sixty Navajos have given themselves up at that post since the 1st inst.

January 14. Sergeant Joseph Felmer, 1st Cavalry, California Volunteers, reports that he recovered seven head of cattle, while in pursuit of a party of Indians, and turned them over to Don Pablo, of La Joya, N. M.

January 15. Serafin Ramirez, a citizen of New Mexico, reports that Navajo Indians drove off twelve head of cattle and two mules belonging to him, between the 25th of December and 9th of January, and during the same time they killed three of his cattle.

January 21. Capt. Julius C. Shaw, commanding Fort Wingate, N. M. reports that twenty-three Navajo Indians have surrendered at that post since his last report.

January. On the 6th inst., Colonel Christopher Carson, commanding the Navajo expedition, left Fort Canby, New Mexico, with 14 commissioned officers and 375 enlisted men, on an expedition to the Cañon de Chelly. On the 8th inst., one warrior was killed by the Colonel's escort. On the 12th, Sergeant Andres Herrera, with 50 men, who was sent out the previous night returned, bringing into camp two women and two children prisoners, and one hundred and fifty head of sheep and goats, and reported that his command had killed eleven and wounded five Indians. On the 14th inst,, Capt. Pfeiffer and party, who had been sent out from Fort Canby some days previous, to operate in the east opening of the cañon, came into camp and reported having passed through the Cañon without a single casuality in his command. He killed three Indians and brought in nineteen prisoners, women and children. On the 15th inst., sixty Indians arrived in camp and surrendered themselves as prisoners. On the same day a party, under command of Capt. Joseph Berney, killed two Indians and captured four. One hundred and ten Indians surrendered to Capt. Carey's command, while upon its return march to Fort Canby. Result of this expedition: Indians killed, 23; wounded, 5; prisoners, 34; voluntarily surrendered, 200; and 200 head of sheep and goats captured.

January 24. A party of thirty Americans and fourteen Maricopa and Pimo Indians, under Colonel King S. Woolsey, Aid to the Governor of Arizona, attacked a band of Gila Apaches, sixty or seventy miles N. E. of the Pimo Villages, and killed nineteen of them and wounded others. Mr. Curus Lennon, of Woolsey's party, was killed by a wounded Indian.

January 26. Lieut. Thomas A. Young, 5th Infantry, California Volunteers, with one sergeant and eleven privates of the California Volunteers, started from Fort Craig, New Mexico, on a scout after Indians. On the 28th inst., the party was attacked by about sixty Indians, who wounded Lieut. Young, Sergeant Thomas Richards, and Privates Harvey McConkey, Thomas Clark and Louis Mann, of Company "D" 1st Cavalry, California Volunteers. In this affair seven Indians were killed. The party, not being strong enough to continue the fight, returned to Fort Craig on the 30th inst.

January. The militia of Sorocco County, New Mexico, under General Stanislaus Montoya, on a scout near Sierra Datil, killed twenty Indians and took twenty prisoners.

February 2. Major E. W. Eaton, commanding Fort Wingate, sent two hundred Indians from that post to Los Pinos, en route to the Bosque Redondo. The Chief, Delgadito, arrived at Fort Wingate this day, with six hundred and eighty Indians.

February 14. Captain A. B. Carey, U. S. A., commanding Fort Canby, N. M., reports the arrival at that post of Soldado Surdo, with his herd; also, that there are one thousand prisoners now at that post.

February 14. Captain Joseph Berney, 1st Cavalry, New Mexican volunteers, arrived at Los Pinos this day, bringing in one hundred and seventy-five Navajo prisoners.

February 24. Captain A. B. Carey, commanding the Navajo Expedition, reports that he has forwarded one hundred and seventy-five Navajos to the Bosque Redondo, since last report, and that there are now one thousand five hundred Navajos at Fort Canby, awaiting transportation.

February 24. Lieut. Martin Mullins, U. S. A., commanding at Los Pinos, N. M., reports that, to present date, two thousand and nineteen Navajos have arrived at that post, en route to Fort Sumner, and that there are one thousand four hundred and forty-five now at the post, awaiting transportation.

February 24. Captain James H. Whitlock, with twenty-one men of his company, "F," 5th Infantry, California Volunteers, left camp on the Miembres, N. M., on the 24th day of February, on a scout after Apache Indians. At about 5 o'clock, P. M., on the 25th, he came up to a party of nineteen Indians; attacked and killed thirteen of them and wounded the others, and captured one Indian pony. The command returned to camp on the 29th, without the slightest accident of any kind.

February 25. Three Indian women escaped from the detachment commanded by Lieut. W. B. Smith, 1st Infantry, California Volunteers, while en route from Fort Union to the Bosque Redondo.

February 28. Capt. A. B. Carey reports that there two thousand five hundred Navajos at Fort Canby, awaiting transportation to the Bosque Redondo.

March 4. Two thousand one hundred and thirty-eight Navajos were this day forwarded from Fort Canby to the Bosque Redondo, having in their possession four hundred and seventy-three horses and three thousand sheep. One hundred and twenty-six Indians died at Fort Canby, between the 20th of February and March 4th.

March 7. Lieut. Hodt, 1st Cavalry, N. M. Volunteers, with twenty-five enlisted men, left Fort Canby on a scout, in search of Indians who had stolen eighteen horses and mules from Caballo Prieto, chief, who had surrendered. The thieves, four in number, were captured near Zuñi, and eleven head of the stock recovered.

March 8. Capt. Quirino Maes, from Conejos, Colorado Territory, with an independent company of sixty-seven men, arrived at Pueblo Colorado. This company had been operating against the Navajos since the 1st of January, 1864, and had killed twenty-six Indians and captured four. Five horses were taken from the Indians.

March 14. Capt. Joseph Berney arrived at Fort Sumner with fourteen hundred and thirty Navajo prisoners. Ten Indians died on the road from Los Pinos.

March 18. Eight mounted Indians made an attack upon a Government herd at Cow Springs, New Mexico, and drove off sixty-eight mules, four government and two private horses. The Indians were pursued by Lieut. H. H. Stevens, 5th California Infantry, with nine men, for a considerable distance, but they escaped with the stock.

March 18. Major Edward B. Willis, 1st Infantry, California Volunteers, with forty enlisted men and fourteen citizens, fell in with a party of Apaches near the San Francisco River, Arizona; killed 5 Indians and lost one man, Private Fisher, of Company "D," 1st Cavalry, California Volunteers.

March 27. Fifty-five Navajos surrendered at Fort Canby, New Mexico, eight of whom died. They had sixty-two head of sheep and goats.

March 29. Eighty-six Navajos arrived at Los Pinos, N. M., en route to Fort Sumner, having with them six horses and two mules.

March. The Apache Indians attacked Mr. Goodhue and four other persons, between the Hasiampa and Granite Creek. Goodhue was killed. The men with him succeeded in driving the Indians off. The Indians also attacked a train of wagons near Weaver, Arizona, and mortally wounded Mr. Rykman and a Mexican. Another of the party was slightly wounded. The Indians took all the stock and plundered the wagons.

April 3. Eighty-six Navajos surrendered at Fort Canby, two of whom died. These Indians have one hundred and twenty sheep and goats and six horses.

April 5. Capt. Francis McCabe, 1st Cavalry, N. M. Volunteers, arrived at Los Pinos, N. M., bringing seven hundred and twenty Navajo Indians.

April 7. Capt. James H. Whitlock, 5th Infantry, California Volunteers, with a command consisting of twenty-six enlisted men of Company "F," and twenty enlisted men of Company "I," under Lieut. Barkett, and ten enlisted men of Company "C," 1st Cavalry California Volunteers, attacked about two hundred and fifty Indians near Mount Grey, or Sierra Bonita, Arizona, and after a spirited fight of over one hour, routed the Indians, killing twenty-one of them left on the ground, and wounding a large number. Forty-five head of horses and mules were captured from the Indians, and all their provisions and camp equipage destroyed.

April 10. Seventy-eight Navajos surrendered at Fort Canby, having in their possession one horse and one hundred and fifty head of sheep and goats.

April 11. Major Edward B. Willis, commanding Fort Whipple, Arizona, reports that Colonel King S. Woolsey, with his party, surprised an Indian Rancheria, killing fourteen Indians, who were left on the ground, and wounding others who escaped. A small party of California Volunteers, who were sent with Colonel Woolsey, behaved well —Privates Beach and Holman, of Company "F," killing five of the Indians.

April. Lieut. Martin Quintana, 1st Cavalry, N. M. Volunteers, reports that while en route from Moqui to Fort Canby, four Indians delivered themselves up to his command.

April 24. One hundred and nine Navajos surrendered themselves at Fort Canby, between April 18th and April 24th. These Indians had one hundred and fifty-nine head of horses and two hundred and thirty head of sheep and goats.

May 1. Three hundred and ninety-two Navajos surrendered themselves at Fort Canby. since last report, making the total number on hand at that post, six hundred and twenty-three. They have, altogether, three hundred and twenty head of horses and six hundred and fifty head of sheep.

May 1. Forty-two Mescalero Apaches, including Ojo Blanco, escaped from the Indian Reservation at Fort Sumner, and returned to their own country.*

May 3. Lieut. Henry H. Stevens, 5th Infantry, California Volunteers, with a command of fifty-four men, California Volunteers, while on the march from Fort Cummings to to Fort Bowie, Arizona, was attacked in Doubtful Cañon, near Steen's Peak, by about one hundred Apache Indians. The fight lasted for nearly two hours, and resulted in the killing of ten Apaches, who were left on the ground, and wounding about twenty.

The troops lost, in this affair, one man missing and five wounded, one mortally, one horse killed and one wounded.

May 9. Capt. Charles P. Marion reports that, while on a scout near Zuñi, five hundred Navajos surrendered themselves to his command. These Indians had in their possession one thousand horses and over five thousand sheep and goats.

May 11. The Apache Indians run off two horses from the ranch of Mr. Stipich, a farmer on the Rio Bonito. They were pursued by 2d Lieut. S. L. Snyder and thirteen men of Company "A," 1st Cavalry, N. M., Volunteers, but were not overtaken.

May 13. Seven hundred and seventy-seven Navajo Indians arrived at Fort Sumner this day.

May 25. Lieut. Colonel Nelson H. Davis, Assistant Inspector General U. S. A., with Capt. T. T. Tidball, 5th Infantry, California Volunteers, two commissioned officers and one hundred and two enlisted men, cavalry and infantry, started from Fort Bowie on a scout after Indians. On the 25th inst. surprised a Rancheria and killed one Indian. Later the same day, killed one Indian and captured one.

May 26. On the 26th inst. came upon a Rancheria, killed one Indian and destroyed several acres of corn. In this skirmish 1st Sergeant Christian Foster, of company "K," 5th Infantry, California Volunteers, was severely wounded. On the same day one woman and two Indian children were captured. On the 28th captured five women and two children.

May 29. On the 29th inst. the command surprised a Rancheria and killed thirty-six, wounded four and took two prisoners. Captured $660 in gold coin, 1 Sharp's carbine, 1 Colt's revolver, 1 shot-gun, 1 saddle, 1,000 pounds of mescal, and a lot of horse equipments, powder, powder-horns, &c. Sergeant Charles Brown, of Company "K," 5th Infantry, California Volunteers, is mentioned in Captain Tidball's report, for his zeal and energy in this scout.

May 29. Capt. George A. Burkett, with thirty-three enlisted men of Company "I," 5th Infantry, California Volunteers, surprised an Indian Rancheria on the Rio de Mescal, and killed 13, wounded 13 and took three prisoners. Captured 1 mule, 3 horses, 1 Sharp's carbine, 1 saddle, and saddle-bags, 1 ton of mescal and a small quantity of powder. The command destroyed some fields of corn and wheat. A portion of the mescal was kept to feed the prisoners; the balance was destroyed.

June 3. Five hundred and fifty Navajos arrived at Los Pinos this day, who had one hundred and ninety horses and two hundred and ninety-four sheep and goats. These Indians, with two hundred others, were forwarded to Fort Sumner.

June 3. The Apache Indians attacked a party of five miners, near Fort Whipple, Arizona, and wounded every man of the party.

June 7. Capt. Julius C. Shaw, 1st. Cavalry, N. M. Volunteers, with his command, attacked a Rancheria near Apache Spring. Two Indians were mortally wounded.

June 11. Four Apaches attacked a party of soldiers under Capt. T. T. Tidball, near San Pedro Crossing, but did not succeed in doing any damage. The troops wounded one of the Indians.

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*This party voluntarily returned to the Reservation on the 16th day of September. Shortly afterwards Ojo Blanco died.

June 20. Major Edward B. Willis, 1st Infantry, California Volunteers, reports that a detachment under his command attacked a party of Apache Indians, near Salinas River, Arizona, and killed four of them.

June 20. The express escort between Camp Goodwin and Fort Bowie was attacked by a party of Indians, while crossing the Chiricahui Mountains. The Indians were whipped off by the escort. Several Indians reported wounded. Four burros were taken from the Indians.

June. Capt. Henry M. Benson, 1st Infantry, California Volunteers, left Fort Whipple, A. T., with his Company, "F," 1st California Infantry, on a scout after Indians. Five Indians were killed and two wounded by this command, and large quantities of corn and beans destroyed.

June. Capt. Albert H. Pfeiffer, 1st Cavalry, N. M. Volunteers, with one Lieutenant and sixty-four enlisted men, attacked a band of Indians near the Colorado Chiquito, Arizona, and, in a running fight of eight miles, killed five and wounded seven of them. After the fight was over, two Indians came into camp with signs of peace; but in a moment fired their guns, severely wounding Capt. Pfeifier and Private Pedro Rael. The Indians were instantly killed. When the shots were fired, a large party of Indians came running towards the camp. A volley was fired into them, when they scattered in all directions. This volley wounded several.

June 28. Capt. James H. Whitlock, commanding Camp Miembres, reports that he left the post on the 21st inst. on a scout after Indians. On the 22d came upon a party of three Indians, two of whom were killed and the other captured.

July 10. Lieut. Antonio Abeyta, 1st Cavalry, N. M. Volunteers, while en route from Fort Wingate to Los Pinos, N. M., with twenty-six Navajo and seven Apache Indian prisoners, came upon a party of Navajos at Fish Spring, numbering three hundred and seventy-five, coming in to surrender themselves and go to the Reservation. These Indians had in their possession, three hundred horses, sixteen mules, one thousand and eighty-five sheep and three hundred and fifty goats. This party was turned over to the commanding officer at Los Pinos.

July. Capt. Saturnino Baca, 1st Cavalry, N. M. Volunteers, with fifty-three enlisted men, left Fort Canby on the 9th inst., on a scout after Indians. Marched to the little Colorado River. He returned to Fort Canby on the 21st inst. On this scout six Indians were killed and six taken prisoners. Two horses and two mules captured, and large quantities of corn, wheat, beans, &c., destroyed.

Aug. 1. Capt. T. T. Tidball, 5th Infantry, California Volunteers, returned from a scout of twenty-three days. He reports that he saw but few Indians, and killed but one—an Apache Chief called "Old Plume."

Aug. 1. Four Mexican citizens are reported as having been killed by the Apache Indians, at the Conchas.

Aug. 1. Twelve hundred and nine Navajos and twelve Apaches left Los Pinos, N. M., for the Bosque Redondo. These Indians had in their possession three hundred and fifty-seven horses, nineteen mules and two thousand and five sheep and goats.

Aug. 3. A band of Apache Indians, having captives, sheep, horses, burros and cattle, were discovered near Alamo Gordo, by "Delgadito Chiquito, Navajo Chief," who sent a messenger to Fort Sumner, to inform the commanding officer of the fact. Thirty five men of the California Cavalry were sent in pursuit; also, a strong party of Navajos, from the Reservation. In the meantime Delgadito's party attacked the Apaches and were defeated, with a loss of one killed and three wounded; amongst the latter, Delgadito himself. The party of Navajos from the post came upon the Apaches and took from them five hundred sheep and thirteen burros.

Aug. 6. Mr. Charles G. Parker's train, en route to Chihuahua, Mexico, was attacked by the Mescalero Apaches, twenty miles below the Gallinas Mountains. The Indians drove off about fifty mules. They were followed by the wagon-master and some teamsters, but succeeded in driving off the animals. Two men were severely wounded.

Aug. 7. Sergeant B. F. Fergusson, of Company "E," 5th Infantry, California Volunteers, with a party of men, attacked fifteen Apaches who were seen approaching the camp on the Rio Carlos, and killed five of them.

August. The command which left Fort Cummings on the 5th day of August, on a scout to Lake Guzman, killed one Indian near the Florida Mountains. Very few Indians were seen, they having evidently deserted the country on the approach of the troops, who, on this scout, marched twelve hundred miles.

Aug. 13. Lieut. Henry Becker, 1st Cavalry, N. M. Volunteers, left Fort Canby, N. M., with ninety-two Indian prisoners and eight hundred head of sheep. On the route to Los Pinos, he was joined by one hundred and fifty-one Indians, having in their possession seven hundred sheep and eighty-five horses. The Indians and stock were turned over to the commanding officer at Los Pinos.

August. Colonel King S. Woolsey reports that while on a scout after Indians, near the Rio Prieto, one of his men, named J. W. Beauchamp, was waylaid and killed by the Apache Indians.

August. Major Thomas J. Blakeney, 1st Cavalry, California Volunteers, on a scout of thirty days after Apache Indians, killed ten and captured two Indians, and destroyed twenty acres of corn and large quantities of pumpkins, beans, &c.

August. Capt. Henry A. Green, 1st Infantry, California Volunteers, on a scout after Indians, from Fort McRae, N. M., killed five Indians and captured six. Nineteen head of beef cattle were recovered from the Indians.

August. Capt. John S. Thayer, 5th Infantry, California Volunteers, left Fort Goodwin, A. T., with his Company, on a scout after Indians. On the 4th day out, the Company destroyed about seventy acres of corn; also, several small fields of beans and pumpkins. On the 6th day came upon a party of Indians; wounded several and captured one, who was afterwards shot while attempting to escape. A Mexican captive was rescued from these Indians. On the 8th day out, attacked a party of Indians and killed six and wounded two.

Aug. 25. Capt. Francis McCabe, 1st Cavalry, N. M. Volunteers, reports that while on a scout after Indians in the Sacramento Mountains, he detached a party under Lieut. Henry W. Gilbert, of the same regiment, to follow the trail of the Indians. Lieut. Gilbert took with him twenty men. The party, although warned by the guide, marchedina body directly into an ambush, when Lieut. Gilbert was killed at the first fire. The guide, Sanches, and Private Ma. Sandoval were killed, and three men wounded. One Apache killed and five wounded. This command were leading their horses when the attack was made. The men, after the fail of their officer, shamefully abandoned their horses. The Indians got the most of their horses and equipments.

Sept. 19. Lieut. Patrick Healy, 1st Infantry, N. M. Volunteers, with a detachment of ten men, while in pursuit of Indians, entered the town of Cañada de Alamosa, N. M., where five Indians were captured. One of the Indians afterwards made his escape.

Sept. 25. Capt. William Ayres, 1st Infantry, N. M. Volunteers, learning that a party of Indians were at Cañada de Alamosa, started in pursuit of them, and succeeded in cap turing one man, four women and one child. The others made their escape to the mountains.

Oct. 20. A band of Navajo Indians attacked Mr. Huning's train on the Colorado Chiquito, and succeeded in driving off seven or eight hundred head of sheep, the property of Capt. Joseph P. Hargrave.

Nov. 6. Some Indians are said to have run off five hundred sheep from the head-waters of the Rio Puerco, belonging to Don Inez Perea.

Nov. 8. On the 8th of November, some Navajos and Apaches from the west, run off three thousand head of sheep, belonging to Don José Pinoly Vaca, four miles from Limitar, N. M., and killed four pastores, who had the sheep in charge. Their names were Antonio Gallegos, Romaldo Peralta, Francisco Capillo and Lenovio Sarcilla. Instructions were sent to Major Eaton, commanding at Fort Wingate, to cross the country to the Rito Quemado, and endeavor to cut the trail of the Indians.

Nov. 9. A Navajo Indian found lurking near the Government herd at Fort Sumner, was arrested by the herd guard, and, in attempting to make his escape, was killed.

Nov. 25. Col. Christopher Carson, 1st Cavalry, N. M. Volunteers, with a command consisting of fourteen commissioned officers, three hundred and twenty-one enlisted men and seventy-five Indians—Apaches and Utes—attacked a Kioway village of about one hundred and fifty lodges, near the Adobe Fort, on the Canadian River, in Texas; and,

after a severe fight, compelled the Indians to retreat, with a loss of sixty, killed and wounded. The village was then destroyed. The engagement commenced at 8 1-2 A. M., and lasted, without intermission, until sunset.

In this fight, Privates John O'Donnell and John Sullivan, of Company "M," 1st Cavalry, California Volunteers, were killed, and Corporal N. Newman, Privates Thomas Briggs, J. Jameson, ——— Mapes, Jasper Winant, J. Horsley, of Company "B," and Holygrafer of Company "G," 1st Cavalry, California Volunteers, Antonio Duro and Antonio Sanches, of Company "M," and H. Romero, of Company "I," 1st Cavalry N. M. Volunteers, were wounded. Four Utes wounded..

Col. Carson, in his report, mentions the following officers as deserving the highest praise:—Major McCleave, Capt. Fritz and Lieut. Heath, of the 1st Cavalry, California Volunteers, Capt's Deus and Berney, 1st Cavalry, N. M. Volunteers, Lieut. Pettis, 1st Infantry, California Volunteers, Lieut. Edgar, 1st Cavalry, N. M. Volunteers, and Assistant Surgeon Geo. S. Courtright, U. S. Volunteers.

The command destroyed one hundred and fifty lodges of the best manufacture, a large amount of dried meats, berries, buffalo robes, powder, cooking utensils, &c.; also, a buggy and spring wagon, the property of "Sierrito" or "Little Mountain," the Kioway Chief.

Nov. 27. An Apache Indian, in attempting to escape from Capt. Thompson's Company, 1st Cavalry, N. M. Volunteers, en route to Fort Whipple, was killed by the guard.

Nov. 27. Col. Oscar M. Brown, 1st Cavalry, California Volunteers, with one hundred men returned from a scout to the Apache country. Four squaws were captured by Col. Brown's command. Although this scout, of nearly sixty days, was unsuccessful, it was one of the hardest of the year.

Dec. 2. One thousand and twenty Navajo Indians, having in their possession three thousand five hundred sheep and goats, four hundred horses and thirty mules, arrived at Fort Sumner.

December. Major E. W. Eaton, 1st Cavalry, N. M. Volunteers, on a scout after Indians, came upon their camp near Red River; killed one Indian and took two prisoners, and recovered one hundred and seventy-five sheep, one horse and one burro. These were the Indians who helped to run off sheep from Limitar, on the 8th of November.

Dec. 15. Capt. Allen L. Anderson, 5th U. S. Infantry, with a small party of men, attacked an Indian Rancheria near the Weaver Mines, Arizona, killed three and wounded three Apache Indians.

Dec. 15. Capt. John Thompson, 1st Cavalry, N. M. Volunteers, with a party of twelve enlisted men, attacked an Apache Rancheria near Weaver, Arizona, and killed eleven and wounded four.

Dec. 24. Lieut. Paul Dowlin, 1st Cavalry, N. M. Volunteers, reports that on his return trip from Fort Whipple, Arizona, the Navajo Indians run off fourteen of his mules.

Dec. 25. A band of Apache Indians made an attack on the town of Rincon, near Fort McRae, New Mexico, took a Mexican boy prisoner and drove off nine head of cattle. A party was started in pursuit and succeeded in recovering three head of cattle. The Mexican boy's body was found, lanced in several places.

Dec. 29. Capt. William Brady, 1st Cavalry, N. M. Volunteers, reports that he found the body of Reyes Flores, the guide, near the Tuleroso Saw Mill. Whether he had been killed by Indians or by others, is not certain.

Dec. 31. Lieut. Samuel L. Barr, with Company "F," 5th U. S. Infantry, and a detachment of 1st Cavalry, N. M. Volunteers, surprised an Indian camp, near Sycamore Springs, Arizona; killed four Indians and captured two head of cattle.

RECAPITULATION of a census of the Navajo Indians on the Reservation, at the Bosque Redondo, New Mexico, on the 31st day of December, 1864, their stock, &c. Taken by Capt. FRANCIS MCCABE, 1st Cavalry, N. M. Volunteers.

No. of Lodges,	1,276
No. of families,	1,782
No. of Males, from 50 to 80 years of age,	300
No. of Males, from 18 to 50 years of age,	2,129
No. of Males, from 5 to 18 years of age,	1,525
No. of Male Infants,	134
No. of Females, from 50 to 80 years of age,	373
No. of Females, from 18 to 50 years of age,	2,187
No. of Females, from 5 to 18 years of age,	1,418
No. of Female Infants	288
Total population	8,354
No. of Horses,	3,038
No. of Mules,	143
No. of Sheep,	6,962
No. of Goats,	2,757
No. of Looms,	630

Average number of persons to each family is near	5
" " Horses " " "	2
" " Sheep " " "	4

AGGREGATES.

Number of Apache Indians at the Bosque Redondo Reservation, on the 31st day of December, 1864.

MESCALERO APACHES.	
Men,	113
Women,	153
Children,	139
Total,	405
GILA APACHES.	
Men,	5
Women,	5
Children,	10
Total,	20
GILA APACHES en route to the Reservation.	
Men,	8
Women,	6
Total,	14
Making the total number of captive Indians, as follows:	
Number of Indian captives on the Reservation on the 31st of December, 1863,	703
Number who were captured and who surrendered themselves during the year 1864,	8,090
Total,	8,793

During the year 1864, the few troops serving within the Department of New Mexico, were obliged to undergo extraordinary labors, privations and hardships, in following the line of their duty. Early in the year, while the country was still covered with snow, their marches in pursuit of Navajo Indians, in continuation of the campaign begun in the summer of 1863—the frequent combats with bands of that tribe, not only in the Navajo country, but in the open plains to the east of the Rio Grande, exhibited courage, self-denial, perseverance, ability and the will to encounter and to endure protracted hardships, on the part of both officers and men, which would be very creditable to any troops in the army.

It was often their lot to be compelled, from the nature of the country and, sometimes, from limited means of transportation, to carry their blankets and provisions on their backs, and to struggle for days through deep snows, over mountains—through forests—and down

through the deep mazes of the most wonderful cañons in the world—in pursuit of a wily and active enemy, who was familiar with every rod of that distant and, in many places, hitherto considered inaccessible region.

It was their lot to feel that, even though they were successful in their efforts, far beyond the success which had attended the labors of others who had preceded them in campaigns against these Indians, still they would win none of that eclat which those receive for, perhaps, no harder service on other fields. It was their lot to show fidelity, and integrity, and earnestness in their labors for the public good—prompted to this course, not by the expectation of applause or advancement—but by a feeling honestly to discharge their duty, though no approving eye witnessed their labors or their sufferings, and they had no credit save that shown in the mirror of a clear conscience, or by the approval of their own hearts. The results which followed such labors will be considered as remarkable in the annals of Indian warfare.

The Navajos soon found that they had no place of security from such determined adversaries; and, being pressed on every hand by unexampled rigor, the spirit of the tribe was soon broken. Many were captured, and more voluntarily surrendered; when, in bands of from fifty to one and two thousand, they commenced their pilgrimage to the Bosque Redondo, a place selected for them by the Government, and situated upon the open plains east of the Rio Grande, and more than four hundred miles from their native valleys and mountains. The exodus of this whole people, men, women, and children, with their flocks and herds—leaving forever the land of their fathers, was an interesting but a touching sight.

Then came the operations of the troops against the Apaches of Arizona. To those acquainted with the difficulties of campaigning in that distant country—formidable against the movement and supply of troops in every way in which a country can be formidable, whether considered on account of its deserts, its rugged and sterile mountains, its frequent and often impassable defiles, and, in widely extended regions, the scarcity of water and grass—the wonder will be that the troops were ever able to overtake the Indians at all. Although the results of operations in that Territory were not so great as hoped for, yet they were creditable, and were won at an expense of toil and privation of which any description could give but a faint idea to one who had never traversed this very singular country. The marches of the troops were long, and sometimes repaid by but poor results. For example: on one expedition, under one of our most distinguished officers, the troops marched 1,200 miles, and actually killed but one Indian. Oftentimes long scouts would be made, and not an Indian, or even the track of one would be discovered. Yet, the movements of the troops in every direction through the country of the Arizona Apaches, and a few partial encounters with them, attended by great good fortune, gave us the morale over them, until now they are inclined to flee at the sight of our armed parties, and scatter in all directions, and not to stand upon hill-tops and crags and jeer at our men by insulting cries and gestures, as they did when we first began war upon them. It is hoped that in a short time they too will be sufficiently subdued to surrender and go upon a Reservation.

While all this was doing, the Indians of the plains commenced their attacks upon the trains of the Government and of citizens coming out with supplies. This required that troops should be sent out to help these trains past the points of danger. Once this was done, and the most of the trains secure, an expedition was formed to punish even these Indians for their conduct. The Kioways had been the most hostile, and had committed some of the most atrocious of the murders. It so happened that in Colonel Carson's brilliant affair with the Comanches and Kioways, on the 25th of November, the Kioways suffered the most loss, and had their beautiful village of 150 lodges, together with all their property and reserve of food, entirely destroyed.

Not only have the troops thus followed and punished the Indians, but they have opened new roads, repaired others which had become destroyed by floods, have built posts, guarded trains through the interior of Arizona and New Mexico, and conducted the thousands of captive Indians from the old Navajo country to the Reservation; and not only guarded them there, but have directed their labors in opening up what will be one of the most magnificent farms in the United States.

The General commanding the Department takes great pleasure in being able to congratulate the troops on such a record. The increased security of life and property throughout this widely extended Department, attests the beneficial results which spring from these efforts. The prosperity of New Mexico and Arizona will be sure to follow. So it must ever be a

source of gratification and pride to every officer and soldier engaged in this great labor, to know that the people for whom he has toiled, are getting to be more secure in their lives, and to be better off in their worldly condition.

All this has been done quietly and without ostentation, on the part of the troops. In the great events which have marked the struggle of our country to preserve intact the union of all the States, it was not expected that such labors would receive the attention of the General Government. But the fact that two great States will yet date their rise, progress, and the commencement of their prosperity, from this subjugation of hostile Indians, will always be most gratifying to remember, by those who so nobly did the work.

By command of BRIGADIER-GENERAL CARLETON:

BENJAMIN C. CULLER,
Assistant Adjutant-General.

[For Recapitulation of the foregoing synopsis, see last page.]

After the shameful surrender of Twiggs and Lynde, as mentioned heretofore, the rebels held almost undisputed sway in Texas, Arizona and New Mexico. It devolved upon the "California Column" to aid that eminent General, Edward R. S. Canby, in ridding these Territories of the pestilent horde. By way of parenthesis, the rebel troops in this section looked more like Du Chaillu's *gorillas* than human beings. This work was effectively done, the rebels retreating at our approach until not one of them was left. In this connection, permit me to quote an order of the late lamented General Wright, which bears upon this peculiar service.

HEAD-QUARTERS, DEPARTMENT OF THE PACIFIC,
SAN FRANCISCO, CAL., August 11th, 1862.

[General Orders, No. 30.]

The General commanding the Department has the pleasure of announcing that our Flag waves in triumph over the whole of Arizona. On the 21st of June, Brigadier-General Carleton, commanding the "Column from California," detached from Tuscon a strong reconnoitering force under command of Lieut. Col. E. E. Eyre, 1st Cavalry, C. V. The command, after a hard march, reached the Rio Grande on the 4th of July, and raised our National Colors over Fort Thorn, all the rebels having fled at the approach of our troops.

To Lieut. Col. Eyre, and the officers and men of the 1st Cavalry, composing the reconnoitering force, the highest praise is awarded; they had the honor of raising the Stars and Stripes over the last strong-hold of the rebels on this side of the Rio Grande.

By order of BRIGADIER-GENERAL WRIGHT:

R. C. DRUM,
Assistant Adjutant-General.

Conspicuous as a regiment appears the Second Cavalry, the regiment of which your President was the recent Colonel, and which was at first commanded by that bold and dashing cavalry leader, General Andrew Jackson Smith, whose name is to this day a terror to the rebels, and whose deeds of prowess will go down to immortality in the land of history, prose, and song.

This regiment has, perhaps, with the exception of those of the "California Column," seen more service and done more actual fight-

ing than any other of the California forces. In the Utah expedition under General Conner it played an important part, and for the past two years, in the northeastern portion of this State and in Nevada, it has been constantly on the march, having frequent engagements with the various tribes of hostile Indians which infect that quarter, and has invariably come off victorious.

The battle had by Col. Evans with Indians, near Camp Independence early in the spring of 1862, although resulting in his being compelled to retire, yet such was the skill and bravery displayed by himself and the forces under him, that he received especial commendation therefor. I cannot conclude the history of this regiment without mentioning an order issued by the Department Commander in regard to the battle of Bear river, which is in the following words and figures, to wit:

HEAD-QUARTERS, DEPARTMENT OF THE PACIFIC,
SAN FRANCISCO, CAL., February 19, 1863.

[General Orders, No. 6.]

The General commanding the Department has the gratification of announcing a signal victory gained by the California Volunteers under the command of Colonel P. Edward Connor, on the 29th of January, 1863, over a large body of hostile Indians, strongly posted on Bear river, Washington Territory, one hundred and fifty miles north of Salt Lake City.

The force engaged consisted of Companies "A," "H," "K," and "M," 2d Cavalry, under the immediate command of Major Edward McGarry, 2d Cavalry, and Company "K," 3d Infantry. The battle lasted four hours, and its severity is well attested by the loss of the combatants; two hundred and twenty-four Indians being left on the field, while the loss of the troops was fifteen men killed, and four officers and forty-nine men wounded, out of a force not exceeding two hundred actually engaged. One officer (Lieut. Chase, 2d Cavalry) and five enlisted men, have since died of their wounds.

Colonel Conner awards the highest praise to Major McGarry, 2d Cavalry, and Major Gallagher, and Surgeon Reid, 3d Infantry, for their coolness, gallantry and skill, and bears testimony to the perseverance and gallantry of company officers throughout the action, and closes his report by saying, "Of the good conduct and bravery of both officers and men, California has reason to be proud."

By order of BRIGADIER-GENERAL WRIGHT:

R. C. DRUM,
Assistant Adjutant-General.

The Second Infantry, recently on duty in Arizona, now on their way in to be mustered out, have seen much service, and claim to have shed the first blood of the California troops. Their present Colonel, Thomas F. Wright, recently headed a successful engagement against the Apache Indians. It is impossible to notice all the skirmishes in which our volunteers have taken part, and whilst all have done so well it would not be impartial to discriminate, and so the leading features only are given.

We must not here forget to mention the arduous service rendered by the California troops in the recent campaign of General John S. Mason in Arizona against the Apaches; and if the results achieved

are not what were expected, and the success commensurate with the expenditure, it is not owing to the lack of fighting qualities of the command.

The operations of the troops known as the California Hundred, and the battalion of four companies of cavalry that left our shores for the seat of war, were incorporated into a Massachusetts regiment. They were not known as California volunteers; they rendered effective service, and Massachusetts gains the glory as well as the relief furnished to her citizens, who by this means escaped the much dreaded draft.

Such then is a brief epitome of the operations of our volunteers. The present Commander of the Department of California, thus gracefully alludes to them:

HEAD-QUARTERS, DEPARTMENT OF CALIFORNIA,
SAN FRANCISCO, CAL., October 16, 1865.

[General Orders, No. 19.]

I. In compliance with General Orders No. 10, from Division Head Quarters, the following troops will be mustered out of service as soon as the necessary rolls and returns can be properly prepared:

The 8th Infantry, C. V.

The companies of the 6th Infantry, C. V., at Benicia and those of the regiment at Camp Drum, under orders for San Francisco.

* * * * * * * * * * * * * * * * *

IV. The occasion of the discharge of these troops is taken by the Department Commander, to express his appreciation of the uniform good conduct, faithful service, and soldiery bearing of the California and Nevada Volunteers. With few, very few, and mostly unimportant exceptions, they have conducted themselves throughout his entire command with great credit to themselves, to the State, and to their country, and it is with sincere regret he sees draw near the day which is to sever the official connection with the United States military service, of a body of men so well calculated in every way to maintain its honor and to add to its glory. On their return to civil life they will carry with them his best and kindest wishes for their prosperity and happiness.

By Command of MAJOR-GENERAL MCDOWELL:

R. C. DRUM,
Assistant Adjutant-General.

At the commencement of the rebellion all the regular troops were withdrawn from this coast, with the exception of the Ninth Regiment of infantry, and a few companies of artillery.

The great and arduous work of protecting our vast frontier from invasion by the rebels, *via* Arizona and New Mexico, was left to our State volunteers. To them was entrusted the task of keeping quiet within our borders the restless and traitorous spirits who were engaged day and night in the nefarious scheme of plunging California into the vortex of civil strife, and have her unite her fortunes with the misguided South.

That this State has been more than once upon the brink of revolution there can be no doubt, and evidence of much accumulation is

now on file in the military archives of this Department, implicating men you would little dream of. But owing to the prudent policy and firm course pursued by General Wright, together with the judicious disposition of the volunteer force at his command, we were happily spared all the horrors of civil war.

Intercepted correspondence on the Rio Grande has proved that the conquest of California was a pet scheme of General David S. Terry, Dan Showalter (recently killed in a drunken brawl in Mazatlan), Philip T. Herbert, Judge Porter of Calaveras, J. Lancaster Brent, and others, old residents of California, who had accepted commissions in the southern army. The plan was well matured, but checked in its inception by the vigilance of General Carleton and Colonel George W. Bowie.

Prominent sympathisers of the rebellion in this State were in constant correspondence with the rebel chiefs, and it was amusing to hear their denunciations of the "*Abolition Government*," when their dispatches did not come regularly to hand. The Knights of the Golden Circle, and Order of the Sons of the Columbian Star, were far more numerous than quiet citizens were aware of. Plots to seize and rob our mail steamers were rife, to convert them into pirates, hoist the stars and bars, skull and crossbones, or flag of any device, were constantly being formed.

Plans to seize the fortifications in the harbor of San Francisco, blow up the arsenal at Benicia, after stealing all the arms, ordnance and ammunition, only failed of being successfully carried out by the strict integrity and thorough discipline of the State volunteers on guard.

But men loyal, good and true were here found to respond to their country's call in her hour of trial. Their step kept time to the music of the Union, and "order reigned in Warsaw."

While other States were devastated and ruin stared them in the face, here was peace and plenty, a land flowing with golden milk and honey. Our merchants amassed colossal fortunes, bankers suddenly became immensely rich, and the toiling agriculturist, despite of the high price and scarcity of labor, found a market for his produce at remunerative prices; the land teemed with fruits, garnered from bounteous harvests in time of comparative peace.

The credit of the Nation, taxed to its utmost tension to collect sufficient gold to even meet the payment of the interest upon the public debt, looked to the boundless supply that rolled in from our El Dorado by each swift-sailing steamer. Wall Street was ruled by our never-failing stream of treasure. The strain upon the Govern-

ment credit was relaxed, the war carried to a successful prosecution, and the nation emerged from a volume of debt, which challenges the admiration of the world for the soundness and extent of her financial system.

To what extent you added to the accomplishment of this end you yourselves are fully conversant. Time will determine all things, and History will do you justice. Your deeds and actions will shine bright in the pages of posterity, long, long after the present race of California politicians shall have sunk into everlasting oblivion.

The following statistics are offered as worthy of preservation, as showing the amount of treasure, bullion and merchandise shipments from January 1st, 1861, to January 1st, 1866, from the port of San Francisco:

1861	$40,676,758
1862	42,561,761
1863	46,071,920
1864	55,707,201
1865	44,426,171
Grand total	$229,443,811

Besides this, many millions have left our shores in the hands of passengers, to swell this vast amount.

The exports of merchandise foot up as follows:

1861	$ 9,888,072
1862	10,565,294
1863	13,877,399
1864	13,271,752
1865	14,554,130
Grand total	$62,156,647

A precious haul one shipment of this would have been to the pirate Rafael Semmes, or the buccaneer *in embryo*, Captain Hogg of the Salvador. But the former ended his infamous catalogue of crime under the guns of the Kearsage, and the latter, caught on the threshhold of his career by the gallant Davenport of our navy, is now enjoying the hospitalities of the warden of the California State Prison, very much, no doubt, to the disgust of Frank Pixley and his *mule*.

Having passed cursorily over the valuable services rendered by you, we are led to inquire, now that you have laid aside the bayonet and the sword, and quietly returned to the walks of civil life in the State of your adoption, whether there has been any public recognition of your services? whether your fellow citizens have endeavored to procure situations for you, to place you on such a footing as your

talents and experience deserve? whether they have followed the example set by their eastern brethren, of giving all due honor to the returned soldier, and extending to him all aid in their power? If there has been a single instance of "public recognition," I am not aware of it. No! brother officers, the lip-loyalty men of California have turned upon you the cold shoulder, and after years of toil, privation and hardship, you are turned out to graze on short feed like a broken-down mustang. Whether you will continue to suffer such treatment depends entirely upon yourselves; we have the power in our own hands, and it only requires organization to make it thoroughly effective.

It has before been observed that it is next to impossible for a disbanded volunteer to obtain a situation in this State. Yet, such is the case, as can be attested by the experience of thousands. I must here make an honorable exception in the case of General Miller, our present Collector. A soldier himself of undaunted courage, and whose distinguished services have been rewarded by his present position, without the aid of any California politician, *laus Deo*, has thrown wide the portals of the Custom House to the disbanded officer and the discharged soldier, an act worthy of especial praise and commendation. These stay-at-home patriots, who invariably have graced Platt's Hall with their white cravats and long sanctimonious faces, singing "John Brown," and chaunting the battle cry of the 54th Massachusetts (colored), "God and Governor Andrew," whenever a public occasion could be had for them to obtrude their hollow pretensions before the public, are now the men that, since the war is over and they no longer dread the lash of the southern slave driver, look with scorn upon the humble instrument which has saved their property from ruin and their sacred persons from castigation.

What have the press done to advocate the claims of the Volunteers? With a few honorable exceptions, they have looked upon us as old Long Tom Coffin said to Captain Boroughcliffe, "a dog before a soldier."

The item men and pennyliners of the city newspapers, have taken a fiendish delight during the whole war in chronicling the shortcomings of the soldier, the infamous outrages committed by the the "boys in blue." Words too violent and terms too harsh have not been spared upon the unfortunate volunteer, whilst the occasion is taken of the arrest of a poor inebriated soldier, to glorify the admirable municipal police system of San Francisco; and liken officer Rose, the terror of every Chinaman who loves chickens, to a modern

Vidocq, and Blitz, the hackmen's ogre, to the *ne plus ultra* of a London Bow street officer.

These same journals have been advocating that nullifying Act of the Legislature of this State, the "Specific Contract Law"—disregarding the fact of how the troops were paid on this coast—article after article appearing of exceedingly questionable loyalty. No wonder then, that to you, these fulminations were distasteful; but when your services were required to save these venomous sheets from destruction, where were you? did you falter in your duty? Never!! With alacrity you obeyed the order of your Commanding General, and I will venture to assert that during the whole of the war, no duty was ever performed by California troops so disagreeable and distasteful as shielding those very same San Francisco printing offices from sack and ruin by an infuriated mob.

Before calling your attention particularly to the last Legislature of this State, a body which has cast upon itself so much odium, as far as you are individually and collectively concerned, and which, whilst criticising the acts of our Chief Magistrate, the President of the United States, and freely giving him their advice as to how to administer the Government, yet at the same time, with unparalleled presumption, suggesting to him who shall be his Cabinet ministers, and the Major-Generals to command his armies—without then, I say, examining these modern legislative law givers in detail at present, I wish to call your attention to the militia system of this State.

I cull from Gen. Evans' report, a document of much value to the State Volunteers, evincing much patient research, the following information, as showing the present nominal strength of the State Militia:

"By the subjoined tables and roster of the militia, it appears that at the present time, there are mustered into service under the laws of California, one hundred and forty companies of infantry, twenty companies of cavalry, and five companies of artillery, forming the total number of one hundred and sixty-five companies, averaging each fifty men, and aggregating a force of eight thousand two hundred and fifty men. Of these companies there have been organized, armed and equipped, since May first, eighteen hundred and sixty-four, thirty-two; and during that period seven companies were disbanded by order, for failing to maintain organization according to law, and one other by consolidation. During the same period one regiment and three battalions have been organized."

The Legislature, at its last session, passed an amended militia law, the details of which I am not sufficiently familiar with to discuss.

It should be your aim and object to bring to the training of the State militia the experience, discipline and drill that you have acquired during the past four years by service in garrison and the field. You are competent, and should not let deter you from this arduous but laudable duty the witty saying of the late lamented Phœnix, who pronounced our militia "soldiers in peace, citizens in war." This subject is one of the greatest importance. So admirable and thorough is the militia system of the different cantonments of Switzerland, that this little republic can in an incredibly short space of time throw into the field, fully armed and equipped, one hundred and seventy-five thousand disciplined men. In this respect, at the commencement of this war, the South greatly excelled us. She had her State and private military schools, where the officer was drilled and educated. John Adams has remarked that the Republic had four chief institutions which should be "sacredly preserved, as the foundation of the liberty, happiness and prosperity of the people," and these were, the Towns, the Churches, the Schools, and the Militia.

In the December No. (1865) of Copper's U. S. Service Magazine —a work, by the way, which should be read regularly by you all— appears an article on "Military Organization," by Major-General Thomas J. Wood, commanding "Central District of Arkansas," a West Point officer of distinction. Referring to the national militia system, General Wood says:

"As intimately connected with the maintenance of the permanent military establishment of the nation, the proper organization of the national militia is a matter of grave importance. The subject should early engage the attention of Congress, a uniform and efficient system be enacted, and its enforcement throughout the entire country intrusted to officers specially assigned to that duty. All the arms-bearing citizens should be required to do military service a certain portion of the time in each year, within the limits of their own States. By this means the rudiments of military instruction would be disseminated among the people. It is not apprehended that the military spirit of the American people will soon fall seriously into decay; but it should be borne in mind that martial ardor, uninstructed, will not at once make an efficient army out of citizens drawn from all the associations of peaceful pursuits. Whatever disseminates military instruction among the people renders the formation of an active army more facile.

"A minute system of military regulations, comprehending every branch of the military establishment — so minute, indeed, as to meet as nearly as possible every case that could possibly arise in the administration of the service — should be published, and the observance of them strictly enforced alike on the highest and the lowest. The preparation of these regulations should be intrusted to

the most accomplished and best cultivated military men in the country—men of thorough military education and large practical experience of the administration of armies in the field. Deviation from them should be the result of an inexorable necessity knowing no other resource, and should be tolerated only in this case. There was much popular claptrap heard during the war of the rebellion about 'cutting red tape,' and the *tape cutters* were generally esteemed by ill-informed persons in the military service, and by the bulk of the people, to have done a very meritorious action; but it is confidently believed such is not the judgment of the best informed military men of the country—men who exemplified in their own careers the necessity and propriety of a rigid obedience to law and regulations, and who, nevertheless, did more by far to suppress the rebellion than all the red tape cutters to whom the war gave a public existence. It is confidently asserted that there is no recorded instance in which Generals Grant, Sherman or Thomas found it necessary to cut any red tape; though, had it been absolutely necessary for the good of the country to do so, they are all men who would promptly have taken the responsibility of applying the scissors to the most time-honored regulations. They obviated the necessity of pursuing a course in conflict with the army regulations and military laws, by making proper and ample preparation in advance to meet, so far as human foresight could do it, all the requirements of the service. It is not denied that there may be occasions when it may be necessary for a commander to adopt a course outside of the regulations, or even in direct conflict with them; but it is believed such instances are few indeed, and can generally be guarded against by proper precautions taken sufficiently in advance.

"The opinion is hazarded that in most of the cases during the late war, when it was absolutely necessary to perform the popular operation of cutting red tape, the necessity was due to the previous neglect of the commander, who, subsequently, could relieve himself from the consequences of his previous neglect only by ignoring the regulations for the administration of the military service, and otherwise transcending the legitimate functions of his office.

"And the further opinion is hazarded that in nine cases out of ten in which red tape was cut during the war, it was done more in the interest of the cutter, or to gratify some favorite whim or caprice of his, than in the interest of the country. When the extent of the lawlessness which was practiced during the war, in setting aside laws and trampling on the army regulations, is considered, it is believed these remarks will not be deemed unfounded or inappropriate.

"It has been remarked that all military men of every grade should be educated for the profession of arms. The United States Military Academy, more fostered by the Government, and its capacity sufficiently expanded to furnish annually the number of officers required by the increasing demands of the military service of the country, would nobly and amply supply the necessary theoretic and much of the practical military education. But, with the organization herein proposed, the permanent military establishment would be a vast

military school. In this school young men of natural adaptability for the military profession, who have received the necessary previous general education, would soon acquire sufficient military instruction to entitle them to promotion. This they should and doubtless *would* receive. The influence of such promotion on the *morale* of the army would be of the very greatest advantage."

Such are the opinions of an educated and accomplished soldier, who has digested the subject thoroughly and treated it with a master hand. Follow out these views, and in the event of another war, foreign or domestic, you will have none such pompous heroes as he of Big Bethel and Fort Fisher, Benjamin F. Butler, the greatest military abortion of the present age, or such Red River gasconades as N. P. Banks, who, during his campaign in the Southwest, instead of endeavoring to meet the enemy in the field, seemed principally to devote his time and consume the vast resources of the Government at his command, in holding elections and establishing Sunday schools. Nor would it be deemed necessary, in order to cover up the Waterloo defeat of a prominent politician, as was the case of Colonel Baker at Ball's Bluff, by the incarceration of a West Point General. See the case of General Charles P. Stone, who was confined in Fort Lafayette at the instance of Charles Sumner and his radical crew, kept a close prisoner for a year, never able to know what charges had been preferred against him, and finally released *without a trial!* History will do General Stone justice, and here in California he is too well known as a true patriot and estimable gentleman to suffer in the estimation of those who know him, because he has been made the victim of an unholy crusade, waged with all the vindictiveness and pertinacity of partisan warfare.

My attention has lately been called to the repeated assaults of the "New York Tribune" against West Point, a paper which is now daily filled with diatribes and vulgar slang, aimed at the President of the United States. This paper has gone so far as to say that "the regular army did as much to help the South as the North."

In reply to this, a graduate of that institution has furnished the following statistics, which are a triumphant refutation of its vile slanders:

"Of the twelve hundred officers in the regular army when the war began, one hundred and eighty-one were killed while fighting for the Union, and nearly five hundred wounded—more than one half the original number—yet they are reproached with 'gentlemanly fighting.' There were in the regular army, at the commencement of the war, eight hundred and twenty graduates of West Point, of whom one hundred and ninety-seven resigned and joined the rebels;

but of the six hundred and twenty-one who remained and fought for the Union, one hundred and thirty-eight were Southern men."

Our first California regiments were commanded by West Pointers, and it has been the salvation of this coast that we have had such experienced officers of the regular army in the different bureaus of military administration here.

Your Society has paid a handsome tribute, and most justly merited it is, to the present able and accomplished Assistant Adjutant-General of California, by naming him as a member in its Constitution. To Brevet Brigadier-General Richard C. Drum, U. S. A., do the people of the Pacific slope owe an everlasting debt of gratitude, one they can never repay. Prompt and reliant, he has always been at his post of duty; discriminating in his actions and possessing a thorough knowledge of our people and their wants, his advice and assistance have been of the greatest importance to the various heads of departments with whom he has been assigned. The California Volunteers will never cease to love and respect General Drum for his many acts of courtesy and kindness to them.

The recurrence to the session of the last Legislature is as distasteful to me as doubtless it will be to you. It would be a Herculean task to winnow the wheat from the chaff, and amidst the chaos of heterogeneous legislation decipher any lasting good from their sage counsels, with the exception, perhaps, of two saving clauses — the passage of the constitutional amendment abolishing slavery, and the enactment of the registry law, and some minor laws.

In my opinion, it has done much toward the disintegration of the Union Party and holding it up to ridicule in this State, and that in order for us to be successful in the campaign of the ensuing fall, we, as a party, shall require a thorough reorganization, cleaning the Augean stables from the corrupt and unprincipled demagogues who have for the past four years held riot in high places. That this will be a task of no easy accomplishment it may well be so determined here. As we are now again entering upon the pursuits of civil life, all of us naturally are looking around for employment. Those who were engaged in active professional pursuits find now their places filled and clients gone; men formerly in business find their associations changed and new parties in their places. The void of four years has been supplied with new men. Besides all this, many have not the financial capital to commence life anew. It is but natural, then, that the returned volunteer should look with a longing eye upon the numerous lucrative State and County offices to be filled by election by the people. To the professional politician, and dominant

satraps of the present Union Party of California, he will be crushed at the outset of his career, if silently permitted. The volunteer can expect nothing from them. During the last winter, at Sacramento, the "slate" was made up for next fall; and I venture to assert that not one position has been assigned to the soldier. Whilst Rhode Island elects Burnside as her Governor, Ohio Gen. Cox, sending Schenck to Congress, Illinois having for Governor Gen. Oglesby, and Connecticut Hawley, and other States showing their gratitude to the military leaders of the nation, it remains for California, under Republican rule, to totally ignore the claims of her soldier sons, and follow the dictation of a partisan Central Committee and a vascillating and mediocre Legislature.

In speaking to a prominent republican of this city not long since upon this very subject, and urging the claims of the soldier to party consideration, remarking that at least he had one chance, viz: an appointment in the Custom House under General Miller, who would probably fill it from that class, he remarked, "General Miller had better be careful how he treads; *we won't stand it!* Parties are supported by politicians; they fight its battles (political, of course), and if we are to have none of the offices we will let the elections go by default; the Democrats will sweep everything, and then there wil be no Custom House for the Volunteer." This is *verbatim et literatim et punctuatim*, as I recollect it.

Here then is the secret, the loaves and fishes, throwing principle to the dogs. Gov. Marcy originated the expression " to the victor belongs the spoils." It remains now then for you who have fought for and help to win our splendid victory, whether you will permit yourselves to be cheated out of your well-earned rights, by a class of conceited, narrow-minded, illiberal, predjudiced, ignorant, and illiterate gang of political desperadoes, who now hold carnival in the fat and lust of office.

By organizing in every town, hamlet, precinct, and county in this State, by pledging yourselves to stand by each other, by acting in all things in unison and in concert, you can make yourselves heard and felt. Such an organization would, of course, be separate and distinct from this, as your Constitution clearly indicates. By acting disjointly and disconnectedly you will accomplish nothing. To attain a successful result and render a plan of this kind effective, you must have concert of action. But be careful not to go too far, do not attempt to control the politics of the State, although you have fifteen thousand votes to start with, only operate as a body to be heard when

you demand your proportionate share, and that only, of the offices within the gift of the people.

By proceeding prudently and wisely, using reason for your argument, substantiated by incontestable proof, you will rally around you an army of adherents that will prove themselves invincible. The tables will be turned, and instead of you humbly petitioning for relief, as you did at the last Legislature, you will have ex-Senators and members button-holeing you for clerkships, seeking your influence for some pet lobby scheme, and before the session is over, willing almost to black your boots and wear your cast-off habiliments.

The manner in which your claims were treated by the last Legislature are too familiar to you all to require much comment here. It but remains for you to now administer the rod of correction to the spoilt child. To see whether a grateful constituency will indorse the numerous peccadilloes and shortcomings of the august body, which for the credit and safety of the State, has been brought to a close by Constitutional limitation.

Of course there are honorable exceptions amongst all that have been classed. Senator Lovett, of Monterey, and Wilcox of Mariposa, the Hercules of the House, both introduced bills for our benefit, and are entitled to our grateful acknowledgments. It is impossible to enumerate all our friends, but they were many. The majority, however, triumphed; and let us say to them in the language of the handwriting upon the wall. *Mene, mene, tekel upharsin.* You have been weighed in the balance and found wanting.

I cannot bid farewell to this immaculate body of modern law makers, without complimenting Senator Freeman, of Tulare, a member of the opposition, and slightly, yes, VERY, rebelliously inclined. A genuine rebel and who hates a Copperhead cordially. He has invariably, through the whole of the war, voted for every bill for the relief of the officer and soldier, assigning as a reason that they were in the service and should be paid accordingly. An example that might be followed with credit by a large majority who are so deeply indignant at the President's policy, and who, in their assembled wisdom, presume to chalk out a course for his future action.

I cannot, in this connection, suffer you to think, that my remarks as to the unfriendly and jealous feeling of the leaders of the Union party toward us as a body, extends to the present able and accomplished Chief Magistrate of this State. At the first meeting of your society, you passed a very complimentary and well-deserved resolution, acknowledging the services of Gov. Low in behalf of the vol-

unteers of this State. No Union Governor has ever done half as much, Downey did *nothing*. For the recent appointment of Colonel Harvey Lee as District Judge, and Doctor Elliott as Quarantine Officer of this port, we should publicly thank him.

It is with feelings mingled with much pleasure that I witness so large a gathering to-night, on this our first anniversary. It augurs well for our success, and our usefulness and enjoyment in the future.

In parting from you to-night, before the word farewell is said, let us all unite in solemn respect to the memory of one whom in life we loved so dearly, and who is now resting in the bosom of his Maker. In the death of General George Wright, our late beloved commander, the country lost a true and fervent patriot, the State in upright and estimable citizen, the army a tried and gallant soldier, the fireside circle a patient and humble Christian, and the California Volunteer a warm and earnest friend.

So tender, kind and considerate was General Wright to all his subordinates, that all learned at once to respect him, whilst those with whom he was brought into immediate contact were treated with the utmost gentleness, and loved him as a father. He looked upon his military family with pride and love, and nothing gave him more delight than to see them attain eminence in their manifold duties, and hear others speak well of them.

Your attention has been called to the peace and unexampled prosperity of this State during the recent rebellion. The whole indebtedness is due to the masterly, energetic and *thoughtful* policy inaugurated at the commencement of the war, and steadily adhered to, by General Wright.

He had the implicit confidence and trust of our late martyred President. The policy pursued here was approved by him and dictated, I might say, by his own hand. I fain would read you an autograph letter from President Lincoln to General Wright, a letter that would forever silence the vile slanderers who traduced him during life, but it is not here, where is it? floating unseen upon the broad expanse of the Pacific, where the eye of the Almighty rests alone upon it. When treason was most odious here, and blatant traitors were becoming offensive to Union men, loud were the denunciations of General Wright. But that stern, grave old soldier, stood at the helm of this Department, knowing the reefs, shoals and quicksands that threatened to engulph him, and nobly piloted the State into a harbor of safety and peaceful quiet. Never until the secret history of the war is written will the people of California know how much they owe to him. His death was a Nation's loss.

That so good and pure a man should have enemies would seem passing strange, but since there was one found to betray him who died to save a world of sin, so were there those who conspired to overthrow General Wright, and have him deprived of his command. The Judas Iscariots *are known.*

Posterity and the faithful historian will do this noble man justice; and the monument to his memory, which our last Legislature failed to authorize the construction of, will yet be raised upon its pedestal by the grateful State of California. See that you all enact your part in having this done.

But he has passed away from us, in company with his beloved helpmate, the partner of his joys and sorrows for nearly a generation of man. He was summoned unexpected into the presence of his God. Had it not been for the malignity and devilish pertinacity with which he was pursued, he would now be with us in the full tide of life and strength. To the wicked machinations of his traducers, does he owe his death; and, as I stood in Sacramento, beside the grave of my old Commander, beholding pass away from my sight all that was mortal of him I loved so fondly, and conscious of the full responsibility I now incur in making it known, I swore eternal vengeance againt those who had brought him to his untimely end, and offered up a silent prayer that, in my humble way, I might be made an instrument in thwarting the unholy ambition and further progress in political life, of those harpies and fiends in human shape, who had prostrated in death the noble form which laid before me.

RECAPITULATION.

Month.	Taken from Indians.					Taken by Indians.				Killed and Wounded.								Captured and Surrendered.
										Comis'd Officers.		Enlisted Men.		Citizens.		Indians.		
1865.	Sheep.	Horses.	Mules.	Cattle.	Burros.	Sheep.	Horses.	Mules.	Cattle.	Killed.	Wounded.	Killed.	Wounded.	Killed.	Wounded.	Killed.	Wounde.	
Jan. 3								20						1	3			
" 5									11									
" 6		50														40	25	
" 11																1		
" 12	62	25	1													3		
"														1	1	1		
" 14				7														
" 15								2	12									
"	200															23	5	
" 24														1		19		
" 26											1		4			7		
"																20	6	
Feb. 24		1														13		
March 4	3,000	473																
" 7		11					18											
" 8		5														26		
" 18							6	68										
"											1					5		
" 27	62																	
"														2	2			
April 3	120	6																
" 7		30	15													21		
" 10	150	1																
" 11																14		
" 24	230	159																
May 1	650	320																
" 3												2	5			10	20	
" 9	5,000	1,000																
" 11							2											
" 25													1			38	4	
" 29		3	1													13	13	
June 3															5			
" 11																2	1	
" 20				4												4	5	
"																5	2	
"											1		1			7	12	
"																2		
" 28																2		
July 10	1,435	302	18													6		
Aug. 1																1		
"														4				
" 3	500			13														
" 6								50							2			
" 7																5		
" 13	700	85																
"														1		1		
"																10		
"				19												5		
"																7	5	
" 25										1			3	2		1	5	
Oct. 20						750												
Nov. 6						500												
" 8						3,000								4				
" 9																1		
" 25												3	9			30	30	
" 27																1		
Dec	175	1			1											1		
" 15																14	7	
" 24								14										
" 25				3					9					1				
" 29														1				
" 31				2												4		
Total	12,284	2,472	35	31	18	4,250	26	154	32	1	2	6	23	18	13	363	140	8,090

OFFICIAL:

ERASTUS W. WOOD, *Aide-de-Camp.*

ORATION

OF

HON. W. W. MORROW

AT THE

MECHANICS' PAVILION

ON THE

One Hundred and Ninth Anniversary

OF

AMERICAN INDEPENDENCE,

JULY 4TH, 1885.

SAN FRANCISCO:
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1885.

ORATION

BY

Hon. W. W. MORROW.

AMERICAN CIVILIZATION

AND

THE VOICE OF THE PEOPLE.

"The nation has a life of its own as distinctly defined as the life of an individual."—Garfield.

There are days that come to us all laden with such special and impressive reminiscences as to excite within us the profoundest emotions, and while we meditate over the incidents that have made such occasions conspicuous, we unconsciously gather the inspiration that makes the active and earnest manhood. Hence it is that being so much under the influence of associations, we most ardently feel the stir and thrill of the great ideas connected with our country's history upon the day that comes most fraught with national memories.

The sun, in his course to-day, has illuminated the folds of a million starry flags, on which the world is able to read the history of our country and all its wonderful achievements in the cause of liberty and good government; but you will hardly expect me to repeat that story here to-night; a story familiar to every school-boy in the land, telling how two millions of people, moved by a common patriotic impulse, forsook the plow, the shop and the counter, to follow the

varying fortunes of their new-made flag over many a bloody field, until victory crowned their efforts at Yorktown. Still less will you expect me to drag from the grave of our recent civil strife the mementoes of that unhappy conflict. We know the cause of that struggle and the result, and with a spirit of thankfulness we recognize the fact that there is no longer any serious controversy as to the patriotic duty involved in the preservation of the Union. The questions of the civil war will therefore not furnish the topic of our discourse. Neither would you on an occasion like this expect the introduction of political questions about which there might be a divided opinion among good citizens.

A NATIONAL DAY DEMANDS A NATIONAL THEME.

The political organization of a people should ever be an object of their chief concern. It is the house in which they live and hope to transmit to their posterity unimpaired. The style of its architecture, the suitableness of its furnishings, all largely contribute towards the formation of their tastes, habits, manners and customs.

What may be termed the American system has many acknowledged peculiarities of its own, which have been accepted as meritorious and adopted elsewhere.

It therefore seems to be highly appropriate for us to-day to baptize ourselves anew in the spirit of our institutions, and recalling something of our history, apprehend, if possible, the great political idea that has given shape and strength to our form of government. It may help to inspire us with a noble and patriotic enthusiasm when we see how wisely the men of the past thought and built for us.

Every individual stands for a special fact in human history. However insignificant he may be, he is working out a bit of history for himself that has never been exactly pro-

duced before, and will never be repeated. Nature loves variety, and never lets a leaf fall upon its duplicate. Out of the same material she is constantly weaving new and variegated patterns. Hence while all minds may be orbed in the same great moral and intellectual laws, still each is fenced about by some peculiarity of form, taste, temper or habit that distinguishes him from every one else.

Now, if we enlarge the scope of our vision and consider the character of states and nations, we find they are collective individualities, and, though each may possess many things in common with all others, they still have an organic personality, endowed with instincts, passions, and faculties for working out some special fact in the history of the human race.

Every society is poised on its own axis of movement and produces a calendar of events that never existed before and will never be reproduced. In short, each great political family has its own mission to fulfill, its own destiny to work out.

THE CENTRAL IDEA OF NATIONS.

For instance the central idea of the Hebrew civilization was distinctly religious, and its civil government partook of this quality of its social law. Like all other people, the Jews had their wars, family broils, domestic intrigues, and sectional discords, but never before did a whole people produce a Bible. All the religions of the world possessed of any vitality have had their origin in the devotional sentiment of the psalms, odes, and prophecies of the Old Testament. But strangely enough, this people who could do so much for the world, could not maintain their own political independence as a nation.

The predominating trait of the Grecian mind was a love

for the beautiful in nature and art, intellectual pursuits, and esthetic pleasures. The political system accompanying this development was therefore naturally refined and largely theoretical, but wanting in important practical qualities.

The imposing features of the Roman civilization indicates a genius for war, legislation, law, organization, and administration. Rome was a vast and powerful military school, where the children were cradled on shields and given spears and javelins for playthings. Their very language had an imperative sound and was finely adopted to command. The Sword and the Digest stand as the symbols of Rome.

Had we the time we might easily show that every great nation of the past or present represents some special fact in the world's history. That the great nations that now divide the map of Europe, while having many things in common, each stands for something that is unique and peculiar. For example, the English character is a synonym for utility. The people of this nation have a remarkable tact for trade, commerce, and material gain. They have a marvelous faculty for organizing ideas into mills, factories, shops, bridges, and locomotives. The whole land shakes with machinery, and Parliament legislates for Manchester and Birmingham. The power and disposition of the Englishman to assert a lordly sway, while at the same time he keeps a vigilant guard over his personal interests, is one of his peculiarities for practical affairs that makes his conduct sometimes almost comical.

Mr. Gladstone, from his car of state, could point with sovereign finger the course of the nation on its imperial pathway among the nations of the earth. This wisdom the people very justly applauded as statesmanship, but when the great Commoner proposed a small increase in the tax on

beer, to meet the expense of maintaining national honor abroad, he touched the Englishman's pocket, and lo and behold, the Gladstone ministry is immediately dissolved and kicked out of power by the "wild mob's million feet."

The English people care but little for theory, speculation, and sentiment. They study with care and determine with precision the value of facts, statistics, and good securities.

"They will give time and money when they are convinced," says Sidney Smith, "but they love dates, names, certificates. In the midst of the most heartrending narrative John Bull inquires the day of the month, the year of our Lord, the name of the parish and the countersign of three or four freeholders; he then gives way to the kindness of his feelings, puffs, blubbers and subscribes."

The machinery of the English government is largely organized into committees, boards, societies and commissioners to inquire into local affairs and disorders, that Parliament may legislate for the interest of even the smallest localities and regulate some of the most ordinary affairs of life.

THE CENTRAL IDEA OF AMERICAN CIVILIZATION.

This brings us squarely to the question: What is the central idea or governing principle of our American civilization? What is the one fact that, more than any other, distinguishes our country from all other nations? What will the word America ever stand for in human history?

As a people we have inherited much of the practical wisdom, love of trade and obstinate resolution of our English ancestors. We have also a spice of French vanity, unbelief, lack of veneration, love of brag and bluster, puffing, humbug and excitement. We have just enough of German thought to keep our literature warm with the love of the ideal; and these qualities, associated with our own

restless disposition, native skill and genius for invention, gives to the American character a phase of general adaptability to all conditions and circumstances. But while possessing many traits and peculiarities in common with all the nations of the old world, America is still destined to stand in history as the embodiment of one great political idea that never before was so formally and distinctly announced.

THE WILL OF THE PEOPLE.

It is the democratic idea that the will of the people is the only true and just foundation upon which to erect a free government.

From the discovery of America to the settlement of Massachusetts and Virginia, nearly all over Europe political and religious events were taking place, that to the wise men and seers of the day were the harbingers of a new era. But how or where the change would come no one appeared to know. Here and there fruitful seeds were scattered, in the hope that some day there would come the growth of a new order of things to supplant the rapidly decaying institutions of the Old World. The labor was not without an abundant reward, but the marvel was that roots were found running under the sea, and starting up into a broader growth upon the rich, fresh soil of the New World. The fostering of the spirit of commerce, the encouragement given to arts and manufactures, the modification of the feudal system of entails—these and many kindred measures were all helping slowly to form a new class in society that would one day claim a voice in the control of political affairs. But still, while all these liberalizing influences were going on, we may safely aver that if the idea of laying the foundations of a new government upon the will of the people had ever occurred to a political theorist, it was only as a splendid ideal,

that had failed on trial in Greece and Rome, and therefore not to be expected short of the millenium. There was certainly very little in the past to encourage the hope that any permanent form of government could be established on such a broad basis.

The democracies of old were only so in name. Not one-tenth part of the people of Athens in her palmiest days were permitted to take part in the affairs of government. The number of voters in Sparta was limited to ten thousand. For ages the privilege in Rome was strictly confined to the patrician class. Some of the Italian States during the middle ages seem to have caught sight of the principle of self-government, and evidently had some hope that it might be developed into a substantial system; but like the gorgeous cactus of their native soil, it died in the effort to blossom.

The fathers of the American Republic found no inspiration in the past. They found no encouragement in the condition of political affairs at the time they were called upon to prepare a plan of government. The spirit of Cæsar still walked the earth and dominated the thoughts of men. It was the generally accepted idea at that time that all political power came from the Diety, descending in some miraculous way upon the heads of kings. May we not claim more than ordinary genius and prophetic insight for the men who rose above all traditional reverence for kingly prerogative and love of heraldry, and, in laying the foundations of a new government, *dared* to assert and distinctly *emphasize* the idea that God had mingled in the blood of every man, whatever divinity there is in the sovereign authority of government.

THE FORM OF SELF-GOVERNMENT.

It may be well to notice the form into which this democratic idea shaped itself. The fact that all men are endowed

by their creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness, had already been formulated as principles of personal freedom, but the delaration itself was without force unless appropriate machinery could be found to put it into practical and effective operation. Truth, like Anteus, must touch the ground before its strength can be felt in the world. It must build itself into a law and become organized as an institution if it would be of any permanent value to mankind. Who shall define how far life is sacred, and what liberty and happiness mean? Shall each individual be left to assert and pursue the idea in his own way? Society would not hold together an hour upon such terms. To make society possible, the nature of these personal rights must be defined and securely established by some authority higher than mere individual caprice.

The merit of a political system must be estimated by its fitness to secure certain ends. The end sought to be secured in this case was the welfare of all the people as distinguished from the granting of special privileges to any class. Now, how could this design be accomplished? How should the framers of the new government go to work? Where could they find a model by which to build? Oligarchy would not do; monarchy would not do. Both of these systems were framed for the protection of privileged classes, and any rights or benefits granted to the people were merely incidental concessions to keep them quiet.

HISTORY FURNISHED NO MODEL.

At the time of the formation of our government the English system had undergone some changes for the better. During the Tudor dynasty prerogative was in the ascendancy and the House of Commons was contemptuously ignored.

Then followed a long struggle, extending through four reigns, during which time the House of Commons had gradually encroached upon prerogative and finally gained the ascendancy.

The American colonist doubtless had some respect for the institutions under which he had been born and educated. Why not then try the English form of government, of a limited monarchy, a Parliament, with its House of Peers and House of Commons? It was certainly the best system at that time, and had made England the freest, richest, and best governed nation in the world. But it had been and was then the instrument of great oppression and injustice, and it was therefore rejected as unsuited to the wants of the new country.

There was the Democratic form of Government, in which the supreme legislative and executive power was directly exercised by the people. This system was certainly in harmony with the idea of personal liberty for which our fathers were so strenuously contending, but it had its defects. Some of the Greek States had tried it and failed. All the people rushing from the plows, shops, counters, and places of amusements at the call of a herald or the tap of a bell, were not cool and dispassionate enough to constitute a court or legislature. Such a government would be a monstrous balloon, to be blown hither and thither by every capricious breeze, and incapable of being steered long in any direction. Besides, if it should be found successful in small States, it could not be adapted to the requirements of a people spread over a vast extent of territory. What was wanted was a form of government which, while administered for the benefit of the whole people, yet possessed the stability of a monarchy combined with the flexibility and plastic adaptation of a democracy—without being as fixed and statuesque as the

one or as fluctuating and capricious as the other. Where could the draft of such an instrument be found? All history furnished no available model.

A NEW POLITICAL SYSTEM DEVISED.

Thrown upon their own resources, disregarding all precedent, all traditional biases and opinions, the fathers of the republic constructed a new political fabric such as the world had never seen before. The peculiarity of the form of political order produced by them is that the people take no part directly in the functions of the government, but have delegated their powers in a written instrument to agents, reserving to themselves the right of changing the agency by periodical elections. Through the ballot-box they approve or disappove the work of their agents, and at stated periods continue them in, or remove them from, office.

No doubt this idea of a representative system was obtained from the lower house of the English Parliament; but it was only a hint, for that branch of the government, at the time our system was framed; though it had long been the bulwark of the people against the violence of the Plantagenets, the haughty Tudors, and the despotic Stuarts, it was still a very inadequate and imperfect organ for the expression of the will of the people. More than half of the Commons at that time came in by the nomination of the great land proprietors of the kingdom, and so unequal was the system of representation that less than seven thousand voters returned nearly one-half of the members of that body. The popular element was carefully dyked into narrow channels, and though in late years, within the light of our successful experiment and the influence of our example, those channels have steadily grown deeper and wider, yet even at this day representation in Parliament is so unequal and unjust as to

be the subject of serious controversy—a controversy likely to be continued indefinitely, for public sentiment can never find a full and satisfactory expression in a government that recognizes regal legitimacy, an irresponsible peerage, and a State Church.

A government to be entirely free must be touched by the suffrages of the people at certain important points throughout all its departments. And this marvelous work the framers of our government most signally achieved. "Our fathers," said Mr. Lincoln, at Gettysburg, "brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal."

DANGERS ATTRIBUTED TO THE INSTABILITY OF SELF-GOVERNMENT.

As the cultivated traveler never tires admiring the genius that poised so majestically the dome of St. Peter or groined the arches of the Cathedral at Cologne, so the patriotic sentiment must be languid and dull that cannot to-day find delight in the contemplation of our political system and the example it has set before the world. But it may be well to remember that the enemies of popular government and some very able and distinguished writers, have predicted that this government would not last; that the system will ultimately crumble into ruin for the want of a ruling power so far removed from the influence of public clamor as to be independent of it and free to act with a supreme will in directing the affairs of the nation. They tell us that a government built on the will of the people is built on the shifting and unstable elements of the sea, to float only so long as the waters are calm and the winds propitious; that when storms come, as surely they will come, the whole structure will go down as others have gone before. Men credited with capa-

city for profound thought have said that the people are incapable of self-government; that the time will certainly come when the great centers of our trade and commerce will be overcrowded with population, breeding hungry men. That these hungry men will choose a legislature that will overturn vested rights and inaugurate spoliation, and following spoliation will come distress. That this condition of things will inevitably end in the destruction of our civilization or our liberties; we will either relapse into barbarism or a dictator will rise out of the tumult and confusion of a lawless mob to seize the reins of government with a strong and arbitrary hand. It is perhaps not wise to ignore the possibility of such a danger to our institutions, but it must be remembered that this danger is not peculiar to our form of government. The right of suffrage does not make men hungry or turbulent. It is the unequal distribution of wealth and privileges that drives men to desperation and revolution. To assist men of wealth to more wealth is, unfortunately, the tendency of most governments, but the theory of our government is the protection of the individual first, and after that his property. The significant lesson to be learned is, that to maintain a wise administration of public affairs there is required an active, earnest, intelligent citizenship, with virtue enough to reward faithful public servants, and courage enough to punish those who betray public confidence.

THE DANGER OF BEING GOVERNED TOO MUCH.

We must not omit to notice, however, that men of intelligence assert that the evil attending the right of the whole people to have a voice in public affairs has already commenced to show itself in unwise special legislation. Mr. Herbert Spencer contends that the danger in England at the

present time is too much legislation regulating private conduct. That the tendency of legislation to control and regulate personal affairs is being carried so far as to practically deprive the citizen of his liberty. This disposition on the part of Parliament to engage in meddling legislation, interfering with the freedom and activity of the citizen, he characterizes as the "coming slavery," and indeed, from the illustrations furnished by him, it would appear that the English government is gradually formulating for its subjects a complex system of coercion and servitude not unlike that of the middle ages, when rulers prescribed who might use silver, issue books, keep pigeons, wear furs, etc. If such legislation continues it may easily grow into serious proportions and become a system of legalized spoliation and thus justify in his own country Lord Macauley's prediction concerning the social disorder he anticipated would grow out of the popular suffrage established in this country. But with us this danger is remote, if not impossible.

THE VALUE OF WRITTEN CONSTITUTIONS.

With State and National Constitutions declaring general principles of right and justice, and courts of law clothed with jurisdiction and authority to declare unconstitutional and void legislation opposed to such principles, there is found an important safeguard against legislative intrusion upon private rights. This safeguard does not appear to exist in European nations, for it is nowhere claimed in the discussions upon this subject, that even the English courts have authority to declare such acts unconstitutional.

The judges of our Federal courts are appointed for life, and almost without exception they have proven able, fearless and just in preserving to the citizen his constitutional

rights, even when the law and excited popular feeling would have trampled them under foot.

The judiciary of the several State Governments being generally elected by the people, as in this State, the judges are perhaps more subject to the influence of public opinion than the judges of the Federal courts; but as a rule this department of the government has been independent and faithful in maintaining personal rights under the authority and dignity of constitutional law. If the judiciary of this country continues to preserve its character for integrity and learning, there need be no fear that our laws will ever become oppressive or unjust, notwithstanding some occasional vagaries in legislation.

CONSERVATIVE INFLUENCES.

The stability of this government rests upon the moral convictions and patriotic instincts of the people. At no period in our history has the love of the Union, the love of nationality, the love of the old flag, been so universal, all pervading and ardent as now. The Executive and Congress may clash upon questions of national policy; the Supreme Court may go astray now and then on ambiguous questions of law; party wrath may surge into angry waves; But of one thing we may rest assured, that so long as the foundations of the government rest upon the hearts of the people and the purity of the ballot-box is preserved, the great interests of this country will not be swept away by any political tempest or dissolved in the blind fury of any social conflict.

The fact that the will of the people has been cast into the shape of written constitutions for the State and National Governments, is often alleged as a serious objection to our political system. Mr. Bagehot and other Eng-

lish writers say it is too stiff, artificial and methodical. They claim that the English Constitution, founded on immemorial usage, is far better, because more plastic and adaptable; that the thoughts, feelings and passions of the people cannot be made to flow in long, straight and narrow lines; that the channel of public opinion and caprice is often very crooked, its motions uncertain. Sometimes it dashes, surges and foams with terrible fury, and some times it is slow and sluggish. Now, they say, it is too formal and mechanical to atempt to hold these ebbs and flows, these calms and waves of popular movement, in fixed and inflexible methods of action. They point to the fact that under the English system the government holds indefinitely, but may be dissolved at any moment. The consequence is that if there should be a groundswell of irritation and discontent among the people, the obnoxious administration may be immediately dismissed and a new one formed to take its place.

This is all very well in theory, but how is it in practice? A change of administration has just taken place in England, caused by the defeat of the Ministry upon a question of taxation, but it does not appear that the people desired the change or had anything to do with it. At all events, the ostensible provocation does not appear important, as compared with the result it has produced.

The excitement attending our elections are often very hot and stormy, but they ebb and flow at fixed periods with as an unerring regularity as the tides of the sea, thus providing for the gauging of public opinion as to political affairs at stated intervals, and with practical results.

The Constitution of the United States is the creation of the people. It is the permanent expression of their will, which they can amend or modify as circumstances may

require, and so continue as the embodiment of their wisdom. Surely the self-imposed restrictions of a people in this form will command a more loyal submission and a more generous support than the restraining power that is predicated upon a reigning family, ancient houses and the law of primogeniture.

It may be well to notice also in this connection that our Constitution is not the stiff and unyielding instrument that some foreign writers seem to think it is. It has all the necessary elasticity to meet the wants of a growing people, and is capable of being expanded indefinitely. Within a few years after its formation it was enlarged to secure the freedom of speech, the press, and religious worship; protecting persons, homes, and papers from unreasonable search and seizure; securing to everyone accused of crime a speedy trial before an honest and impartial jury, and providing that excessive bail should not be required. And lastly, by means of the Thirteenth, Fourteenth, and Fifteenth Amendments, all the grave questions of the civil war have been brought together and settled forever.

THE INFLUENCE OF OUR EXAMPLE.

It is a significant and encouraging thought that as fast as the nations of the earth have reached a certain plane of civilization, they have all discovered that the strength of a State is not so much in inherited privileges and military power as in the unfettered will of the people, and therefore, with more or less faithfulness, they are found following in the pathway marked out by the progress and development of this Republic.

The United States, with a population estimated at fifty-five millions of people, with what is termed universal suffrage, had over ten millions of voters who exercised their elective privilege at the last Presidential election.

Great Britain, with a population of about thirty-six millions, has been slowly extending the right of suffrage to her people, but until recently her body of electors embraced only a little over three millions of voters. The recent movement has, however, secured a very large extension of the privilege, so that about two millions of voters have been added to the political power of the kingdom.

France, with popular suffrage nearly universal, and a population about the same as that of England, has ten millions of voters; and Germany, with universal suffrage, and a population of about forty-five millions, has about nine millions of voters.

This liberal extension of political rights by the leading nations of Europe is being followed by the lesser states to such an extent that before long universal suffrage will undoubtedly become the rule among the more enlightened nations, and the lack of it the exception. Monarchy will not bear transplanting to this side of the Atlantic, but the healthy seeds of our vigorous system will grow wherever there is intelligence enough to comprehend the value of free government.

The number of Republics whose institutions have been patterned after our own indicates the course of political activity, but for our present purpose it is sufficient for us to know that there is a growing faith in the voice of the people, and a disposition to follow the example we have set the world. There is a growing confidence in the strength and perpetuity of republican governments, and well there may be. France and the United States are the only great nations of the world to-day that appear highly resolved to discharge their financial obligations to the last farthing.

Everywhere there are indications that the empire of a single sovereign will is over, and that the empire of the

people has commenced. And now, on an occasion like this, and at all times, it is our province to rejoice that the process of evolution has taken the direction it has, for on this march we are in the advance. This is the individuality of the nation—its conspicuous position in the world for weal or for woe.

THE NATION'S HEROES.

On this day of festivity and pageantry in honor of our national independence, and as a part of the exercises appropriate to the occasion, we have unveiled in our great park a monument to one whose voice was ever eloquent and commanding in behalf of liberty and free government. As citizens of San Francisco we are proud of the merited tribute we thus pay to one of the nation's heroes. It is no part of my purpose to attempt any eulogium upon the character and public services of General Garfield. Our admiration for him was eloquently and happily expressed by the able gentleman who spoke to you to-day, but it may not be inappropriate for me to say that of all the statesmen of modern times who have contended for the rights of the people and the honor and integrity of the country, none have been more forcible or eloquent than General Garfield.

"The fountain of our strength as a nation," said he on one occasion, "springs from the private life and the voluntary efforts of forty-five millions of people. Each for himself confronts the problem of life and amid its varied conditions develops the forces with which God has endowed him. Meantime the nation moves on in its great orbit with a life and destiny of its own, each year calling to its aid those qualities and forces which are needed for its preservation and glory. Now it needs the prudence of the counselor, now the wisdom of the lawyer, and now the shield of the warrior to cover its heart in battle. And when the hour

and the man have met, and the needed work has been done, the nation crowns her heroes and makes them her own forever."

Garfield is no more, but his name will be cherished in the heart of the nation when the monument with which you would perpetuate his memory shall have crumbled into dust. This is the just reward of greatness and patriotic endeavor.

Wherever our flag floats and free government has a friend, there the name of Washington recalls the trials and adversities through which our fathers struggled in laying the foundations of this Republic. Wherever slavery has cast a shadow over the souls of men, there the name of Lincoln is associated with the act that gave to four millions of slaves the right of freedom. And Grant—what shall we say of him? How near he comes to us all! As we listen, we can almost hear the throb of his great manly heart. The silent soldier, the wise counselor, and patient martyr descends into the dark valley of affliction with a serene faith that the God of battles will preserve his great work to the end. Our heroic defenders may leave us, but their example inspires us to renewed courage. The force of evolution never goes backward. It is a movement that is rapidly working all barbarism out of politics and all bigotry and superstition out of society. Science is hopeful. Government is hopeful. Humanity is hopefel. Behind us are the dim, unchronicled ages of preparation; with us, the energies of unspeakable possibilities; before us

> "The highest mounted mind
> Still sees the sacred morning spread
> The silent summit overhead."

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Vindication of HON. M. M. ESTEE

ADDRESS

DELIVERED BY

T. B. MORTON

PRESIDENT OF THE

Afro-American League

OF SAN FRANCISCO

*

At Its Regular Monthly Meeting, Monday, July 2, 1894

Valleau & Oliver,
Printers and Publishers,
403 Sansome St., S. F.

Friends, Members of the League, Ladies and Gentlemen:

It is very gratifying to me to see so large an audience gathered here to-night, and especially to notice that the Morton Guard have turned out in full force in their brilliant uniforms. It is also an added source of pleasure to be able to congratulate you upon the nomination of Hon. M. M. Estee for the exalted position of Governor of the great State of California by the Republican Convention, recently convened in Sacramento.

It is possible that you regard it as presumptive for me to make this announcement in your presence, after having visited Sacramento and heard that celebrated phillipic against the nomination of Mr. Estee delivered by General Barnes.

Well, strange as it may appear to some of my auditors, in spite of that speech, I am glad that a man so honorable in all the relations of life, of great ability and possessed of so enviable a record, has been nominated, because his nomination, not a mere personal compliment, is the result of the deliberations of the largest, and in many respects, the most representative convention ever held in the Golden State.

When I give my reasons, fortified by these authorities you see piled up here in the shape of certain official volumes, for the support I now tender Mr. Estee, you will be as well pleased as myself, and all of us will, I am assured, do valiant service in the present campaign to secure his election.

Before I attempt to correct anything that has been said by General Barnes, I desire to say that upon the action taken by you to-night will depend almost to a man the course which will be pursued by our people throughout the State in the coming contest. Indeed, I might truly declare that the success or defeat of the Republican candidate for Governor will depend largely upon the action taken by the Afro-American League this evening.

While I was in Sacramento, recently, I met representative men of the race from nearly every section of the State, and from those unable to be present at the Republican convention, I received many letters in regard to the present political aspect. Strenuous efforts were there made to induce these leading men to come out against Mr. Estee, for the impression seemed to be prevalent amongst them that General Barnes could not possibly be mistaken in the statements made by him with reference to certain political acts of Mr. Estee. The pressure was so great that finally on my departure for San Fran-

cisco, I promised to make diligent search for the exact truth in the matter, and they, in all fairness, agreed to defer action until they learned what course the League at San Francisco had taken in that regard. So, my friends, you readily see what an important position we occupy. There are about ten thousand colored voters in California,—enough to give the Republican party a handsome majority. But suppose eight thousand of these voters cast their ballots against the Republican ticket, the result is that sixteen thousand votes are registered against the Republican standard bearer. Now, seriously, I want to ask you this question: Ought we to go to the polls next November and cast our votes against Mr. Estee simply because an eloquent gentleman has thought proper, for reasons he has stated, to advise that Mr. Estee is not worthy to receive the nomination and consequently should not be elected if nominated? Are we ready to blindly follow another without making an effort to ascertain all the facts, and then be governed accordingly? I am well aware if I should attempt to contradict a man like General Barnes without having the proof at hand you would not feel inclined to believe me—that is, you would have grave doubts about it. But I am in possession of the very authorities General Barnes *personally* referred me to. I was an interested listener to the General's speech. In company with his son, when he had finished, I shook his hand and asked him where I could obtain the evidence that would sustain the statements he had made. "My boy," said the General, "you go right over to the State House and ask the librarian for the journal reports of the Legislature of 1867–68." I did as directed, the next morning; went right over to the librarian at the State Capitol, and found the reports. To my surprise the documents to which I had been referred failed to sustain the allegations made by General Barnes.

In my company at the time were Rev. Tilghman Brown, Presiding Elder of Zion A. M. E. Church of the Pacific Coast, John T. Callender, of this city, and J. B. Wilson, editor and proprietor of the *Elevator*. The latter named gentleman was bitterly opposed to Mr. Estee as a Gubernatorial candidate, because he believed the utterances of General Barnes, and had cherished the same views for many years past. He went into the examination of the facts unwillingly, but at last was completely converted from his former prejudices by overwhelming evidence that he himself had discovered, and remarked: "Great God, Morton, is this so? Why, in my paper twelve years ago, I opposed Mr. Estee on these same grounds." After this search, and carrying these books now in front of me,

under my arm, I was going down the State-house steps when I met General Barnes and his son. He greeted me with, "Well, young man, did you do as I told you?" I said, "Yes, general, and I am sorry and yet very glad to say that you are not sustained."

"What!" he exclaimed.

"Yes, sir," I said. "I have searched the records and find you are not sustained. I will show you—"

He interrupted me, saying, "You have found it, so you say. Now, do you mean to say that these newspapers have been repeating this story all these years and it is not true?"

"Some newspapers may have done so," I said; "but I have the documents which you referred to. I am on my way to the headquarters to show them."

"Very well, young man. If it is not true," he said, "you are right to correct it. Go ahead and do so. It ought to be done."

I can truly say that the Republicanism of General Barnes has never been questioned. He is an honorable man, and I do not think that he intended to do Mr. Estee an injustice at Sacramento. But he himself was deceived for years past by certain newspaper publications, misrepresenting the political acts and course of Mr. Estee. His son, Honorable William S. Barnes, in an eloquent speech, pledged his hearty support to the Republican ticket at the convention from top to bottom, and I am convinced that his distinguished father will follow suit.

In order that there may be no misunderstanding, and that you may have placed before you something more than my individual assertions, I will read an extract from that portion of General Barnes' speech in which he advises the colored people to vote against Mr. Estee for Governor:

"In the California Legislature, Estee voted against the fourteenth amendment to the Federal Constitution. If there is a colored man in the State that would vote for Estee, then he should be disfranchised and sent back to the jungles of Africa, where he wonld be crying all day and howling all night, where he could learn something of the ancestry of his race."

Let us see what the real facts are as officially published in the journal of the proceedings of that very legislature to which General Barnes calls attention.

The fourteenth session of the Legislature of California convened at Sacramento on January 5, 1863. Hon. M. M. Estee's services as legislator commenced with this session, in the Assembly, and he

voted every time for the resolution endorsing the Emancipation Proclamation of President Lincoln. The final vote can be found on page 84, journal of the Assembly, fourteenth session.

The thirteenth amendment to the Constitution of the United States was ratified by the Legislature of California 1865-66. This was the sixteenth session. Hon. M. M. Estee was *not* a member of the Legislature at this time, and consequently did *not* vote against the ratification of the thirteenth amendment.

The fourteenth amendment to the Constitution of the United States was transmitted to the seventeenth session of the Legislature, 1867–68, by Gov. F. F. Low, who recommended its ratification. In the assembly of this session, Mr. Tully, Democrat, of Monterey, offered the following resolution; "Whereas, joint resolutions of Congress proposing an amendment to the Constitution of the United States were proposed by Congress, and submitted to the several States of the Union for their adoption or rejection; therefore be it resolved, by the Assembly of the State of California, the Senate concurring, that the aforesaid proposed amendments to the Constitution of the United States be, and are hereby rejected."

Read first and second times and referred to the Committee on Federal Relations, with instructions to report at an early day.

(Page 601, Assembly Journal.) March 4, 1868. Mr. Tully from the Committee on Federal Relations reported as follows:

"The committee on Federal Relations, to whom was referred Assembly joint resolution No. 11, relative to the Constitution of the United States, have had the same under consideration, and report the same back with an amendment, and recommend the adoption of the amendment, and also recommend that the said amendments to the Federal Constitution be rejected." (Assembly Journal, page 611.) In the Assembly, Tuesday, March 17, 1868, (page 757), Assembly joint resolution No. 11 was taken up, and a vote recorded on the amendment proposed by Mr. Tully, the amendment being adopted by 40 ayes, and 27 noes. Resolution No. 11, as amended was rejected by a vote of 24 ayes and 46 noes. By this vote the assembly refused to ratify the fourteenth amendment to the Constitution of the United States.

No further action was taken thereon.

At the same session Mr. Murch introduced in the Senate a resolution to confirm or ratify the amendment to the Constitution of the United States.

In the Journal of Senate proceedings the resolution does not appear, and apparently it was not referred to a committee for consideration, and the journal shows that no further action was taken upon this matter. (See Senate Journal 17th session, page 214).

Hon. M. M. Estee was *not* a member of the seventeenth session of the California Legislature, and consequently had no opportunity to give his vote *for* the ratification of the fourteenth amendment to the Constitution of the United States.

At the eighteenth session of the Legislature of California the fifteenth amendment to the Constitution of the United States was presented for consideration and was *rejected.* (See Journal of the Senate, page 245.)

Hon. M. M. Estee was *not* a member of the California Legislature at this time.

In the twentieth session of the Legislature of California Mr. Estee was a member, and was elected speaker. Mr. Griffin introduced an act to amend the political code of the State in relation to common schools. No action was taken thereon.

There is another grave error in which the special and bitter antagonist of Mr. Estee has fallen. Perhaps he has placed altogether too much faith in the utterances of that most veracious sheet, the *Argonaut.* He says that Mr. Estee served as an elector on the Democratic ticket in 1872. Another mistake. Mr. Estee was not an elector on the Greeley ticket, nor an alternate, nor a member of the State Central Committee. But Hon. F. M. Pixley, who seems to be the fountain head for all the charges now trumped up against Mr. Estee, was himself the first man named on that electoral ticket.

ESTEE'S RECORD ON THE SCHOOL QUESTION.

On March 11, 1874, Mr. Freidenrich, of the Assembly, introduced an act to provide for the establishment of cosmopolitan schools in the city and county of San Francisco. This bill passed both branches of the Legislature and received the signature of Governor Newton Booth, March 20, 1874.

It has been very generally asserted by certain colored democrats of this city that the Speaker, Mr. Estee, left his chair and on the floor of the Assembly delivered a speech in opposition to the passage of this act. The fact is, he did nothing of the kind. There is no record of such a transaction, and it did not take place. I can positively assert that Mr. Estee in no way antagonized the passage of the bill but that he as Speaker gave to it his signature.

There is another grave error to which I will allude briefly. The Assembly Club, as you all know, is composed of the picked men of the race in this city. We all readily admit that they are the "elite." They strike off from a typewriter a little paper every week for the use of their members, called *The Budget*. Occasionally the editor favors me with a copy, as I am on most friendly terms with all the members of this very creditable organization. I received a copy last week, and I find that my esteemed friend, Mr. A. L. Dennis—its editor—charges that Hon. M. M. Estee introduced a bill in the California Legislature to compel all negroes in this State to wear a collar or tag with his number on it, like a dog, horse, or other animal.

This statement is so absurd, so void of even the semblance of truth, that I cannot imagine that a person possessed of such high educational, literary and intellectual ability, could have ever struck off from his typewriter such a perfect mirror in which to exhibit the astounding ignorance of the author as to this passage in the political history of this State. The measure referred to was introduced in the Legislature at its ninth session, 1858, by Mr. A. G. Stakes, democrat of San Joaquin, just five years before Mr. Estee became a member of that body. (See Journals of Senate and Assembly). My good friend, "Link Dennis," as we call him, would do well to consult his father, Mr. George W. Dennis, Sr., Stonewall Jackson, Ezekiel Cooper, John Upshur, and many others of the old timers, all of whom had to run away from here at that time and seek quarters in British Columbia on account of this very bill. Pop Dennis is present to-night. Am I telling the truth or not, Pop? "Yes, yes; of course you are." (Loud applause).

This is not all that the democrats have done for us as a reason why we should never vote with them. Why, the men who were then trying to enslave my people in this Golden State were old copper-headed democrats, and Webster, the Populist candidate for Governor, was one of them and is the same to-day. Now, to further show you the position of Mr. Estee and the democrats as well, I will read a few sections from the resolutions and platforms of both parties.

Mr. Estee was the author of a set of good Union resolutions. One of the planks reads as follows:

Section 3. "That we are opposed to human slavery as an institution condemned by God and abhorrent to humanity, a stain upon the nation's honor and a clog to its material progress; that as the rebels, by their own act, have brought destruction on this infernal

system, we regard it as a fit punishment for their crime against their government and the civilization of the age, and rejoice that such good results as its eradication will issue from our nation's tribulations."

In these perilous times the democracy of California persistently favored slavery and the cause of the rebels, instead of freedom and the cause of the Union. "The democratic platform" (Sections 7 and 8, 1864)—nice reading for colored men—is as follows:

7. "*That we denounce and unqualifiedly condemn the Emancipation Proclamation of the President of the United States as tending to protract civil war, incite servile insurrection, and inevitably close the door forever to a restoration of the Union of the States.*"

8. "*That the spirit and the meaning of the Democratic Platform of this State are comprised in these words: 'The Constitution as it is, and the Union as it was.'* "

With slavery, of course, and as late as 1868, Section 6, says: "*That it is not only the patriotic duty, but the deliberate purpose of the Democratic party never to be governed by negroes, nor by those claiming to be elected by negro suffrage.*"

The Democratic platform of 1869, among other things, says: "*We arraign the radical party for its contempt of constitutional obligations; for placing the city of Washington in the hands of the semi-civilized Africans; and we particularly condemn the appointment of healthy and able-bodied big black niggers to office.*"

How does that suit the black democrat?

Well, now, my friends, in all seriousness, if Mr Estee had been guilty of voting against us, even if it were ten, twenty or thirty years ago, in those troublous times, when it was rather popular than otherwise to be opposed to the black man, and at this late day had not seen his error, it would be very hard for you and me to forgive him. Republicans as we are, and Republican as he is, we would probably vote against him in this campaign, wouldn't we? Then what is the logical thing to do when we find from the facts of history that in those times, when the Union as well as our race, was in peril, he worked and voted for the preservation of the Union, and worked and voted for us. What should we do now?

(The answer from the audience came like a sudden storm, and was followed by a tumult of applause—VOTE FOR ESTEE!"

Notwithstanding these groundless accusations against him, Mr. Estee has been honored by the Republicans of this State. He was

an elector on the Hayes and Wheeler ticket, in 1876, and was elected a delegate to the National Convention of 1884, and was by that body made its President and Chairman of the delegation to notify Hon. Benjamin Harrison of his nomination, and also appointed one of the Nation's Representatives to the Pan-American Congress. After this his Republicanism ought not to be doubted.

Now, what good reason can we give for opposing Mr. Estee? What has the Democratic party done for us?

Do you know that every man who thinks the State is greater than the Nation is a democrat; every man that defended slavery was a democrat; every man who signed an ordinance of secession was a democrat; every man who burned school-houses from Maine to New Orleans because our children were learning how to read and write, was a democrat; every man who bred bloodhounds to hunt you and me as if we were rabbits, was a democrat; every man who shot, skinned alive, burned at the stake, scalded our little babes to death, and have murdered over 100,000 of men since 1865 for the part they took in suppressing the rebellion, to preserve the Union and voting for equal human rights, and are still killing them, every one of them is a democrat, and are upheld by the Democratic party to this very minute; every man that took a colored woman from her nursing babe and nailed her up in a barrel with long spike nails driven all through it, and then rolled the barrel down a long hill amid the wild shouts of the white mob and the agonizing screams ot the dying woman and the cries of her babe, was a democrat; every State that has disfranchised our race, is a Democratic State; every State that has passed "Jim Crow Car" laws is a Democratic State? (Great Applause.)

The men who inaugurated the riot in the cities of New York and Baltimore, in 1863, and hanged our men and women to every lamp-post, and threw other victims of their fury in the East river North rivers, and beat the brains of our children out against the curb-stones, were all democrats, and they are in the democratic party to-day—that is, if they are not in——, or Texas, its all the same.

Every man who declared that they would establish a government, the corner-stone of which should be human slavery, and then plunged this government into a bloody civil war in defense of that scheme, was a democrat.

There are more than 2,500 little colored children confined in the penitentiaries of the Southern States, whose ages range from six to twelve years, not one of whom is confined there for a less period than

twice their ages, and most of them for a longer term, the fine imposed for trifling misdemeanors not exceeding ninety-nine cents, and in many cases far less than that sum. In default of the payment of this fine they were imprisoned for the terms as I have stated. In all these States where children of tender years are thus persecuted, the Democratic party is in control. The only States in the Union which refuse to maintain a reformatory where colored children can be cared for and trained, are Democratic States.

The only place in the civilized world where men and women are chained together in prison gangs all day and locked in the same wards, or stockades, or cattle pens all night, as if they were nothing but brutes of the lowest order, are Democratic States—and are ruled by blue-blood Democracy at that. And the only States' prisons or penitentiaries in the world where from ten to twenty-five colored children are born every year, whose fathers, in most cases, are the guards and prison keepers, are the prisons in Southern democratic States, and the officers in every one of them are democrats. Are you willing to vote the Democratic ticket because of these many *kind favors*? No, no, no, no! But that is not all.

The only men who ever secured a seat in either branch of Congress as a reward for the part they took in the many bloody massacres of Afro-Americans, as was done at Hampden, S.C., July 4, 1876, were democrats, and every man who said he did God's service when he killed a nigger (negro) is a democrat.

Now I know that there is a large element in the Democratic party which does not approve of this brutality toward our race, for I have many personal friends who are democrats, but they can do nothing to change the course or policy of their party in the Southern States. On the other hand, there is not a single instance in which any one of the hellish crimes enumerated above can be charged against the Republican party.

Now, gentlemen, if you all are satisfied with my defense and explanations, as I know you must be, I will entertain a motion for the ratification of the ticket from top to bottom.

You have heard the motion of Mr. Geo. W. Dennis, Sr., ratifying the ticket from top to bottom, also extending a vote of thanks to myself for searching the records—this motion will be carried by everybody rising and giving three cheers and a tiger for the whole Republican ticket. This was enthusiastically done.

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OPENING ADDRESS

BY

J. DE BARTH SHORB,

OF SAN GABRIEL,

AT THE

STATE IRRIGATION CONVENTION,

HELD AT

RIVERSIDE, CAL.,

MAY 14, 15, AND 16, 1884.

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1884.

STATE IRRIGATION CONVENTION.

OPENING ADDRESS

BY

J. DE BARTH SHORB.

Mr. Chairman and Committee of the State Irrigation Convention, Ladies and Gentlemen:

Permit me to express my thanks to your Committee for the honor they have conferred upon me, by inviting me to deliver the opening address before this meeting of California Irrigators.

I recall no place more eminently fitted or entitled to hold such meeting than Riverside; for in no part of our State can there be found more excellent, more substantial texts for grand sermons, or more eloquent proofs of what may be accomplished by an intelligent use of water for irrigation than can be witnessed around the beautiful homes of this new and prosperous settlement of Southern California.

The object of this meeting, the promotion of the science of irrigation, is unquestionably of more importance to the State of California than any other object which may be submitted to its citizens for careful conservation, thorough and exhaustive consideration.

Upon the proper treatment of this great subject, viewed as an entirety, and our intelligent action thereon, which comprehends the enactment of wise laws and their

equitable judicial interpretation; the adoption and enforcement of wise systems devised to meet the want of each irrigating district, depend, in my judgment, the peace and happiness, the material welfare and prosperity of our people, and their consequent elevation to the highest and best civilization possible to man.

I use this language in no careless, flighty manner, but with a deep sense and full realization of all it comprehends.

That the individual may reach the highest degree of civilization, natural preference, thought, long study and education in its broadest and best sense, are absolute prerequisites, and what is true for the individual man, applies, with equal force and truth, to states or communities.

Education necessarily involves thought and study, and these suggest the consumption of time, of leisure hours, free from the cramping care and corrosive drudgery of ordinary life and business.

The inevitable demands of bread and butter claim our attention before any other equally potential considerations may offer themselves for study and solution. This problem demonstrated, and a certain competency attained, then appear the inspiration, leisure and repose for the cultivation and appropriation of objects more purely intellectual, or, to follow the fashion, more esthetic, if you please!

I contend all these achievements are within the scope of the art and science of irrigation, and hence my deductions are practical, logical and full of inspiration.

In passing briefly in review the various subject-matters this committee has offered as texts or themes to the gentlemen selected to address you, I trust I shall not occupy any territory to the inconvenience or disadvantage of any of my associates. The advisability of a general review, by me, of the substantial objects opened for discussion by

your committee was submitted to some of its members, and by them endorsed; so in following the chart, supplied by their judgment and consent, my transgression, if any, shall be harmless and insignificant.

Even if my views differ from or diametrically oppose the doctrines and opinions of my associates in this connection, conflict of opinion can in no wise be viewed with regret or be attended with embarrassing or unpleasant results. Indeed, friction of ideas must necessarily enlarge the area of discussion, develope more comprehensive speculation and knowledge and reveal truths and processes of cure which entire harmony of opinion might never bring to light.

The committee who selected the texts for essays and discussions before this Convention, certainly placed at the head a question more complex in character and more difficult in adjudication than any problem associated with irrigation, that the Convention must analyze and determine.

WHAT IS IRRIGATION?

Perhaps it would not be out of place or unnecessary to give a definition of irrigation, before we proceed to the consideration of question Number 1, which difinition, as we find it given in the Encyclopedia Britanica (9th edition) covers the ground entirely: "Irrigation is the systematic application of water to land in order to promote present or prospective vegetation. Water thus used for the general purpose of growing or increasing the crops, on which animals and man have to subsist, is employed in special ways and at special times, according to the particular end in view, the individual plant to be grown, and the very divergent condition of soil and climate, which have to be studied, in different countries. Sometimes the art of irrigation is practiced for the simplest of

all reasons, to make up for the absence or irregular seasonable distribution of rain, or for a local deficiency of rainfall. Sometimes a particular crop is irrigated because the plant is of an aquatic nature. Sometimes lands are irrigated for the sake of encouragement to early growth afforded by the warmth of the water, or for the sake of dissolving plant-food which it furnishes, and sometimes the object is that the land may be enriched and its level raised by means of the deposit from the water used."

LEGISLATION.

Now (question Number 1) what legislation is necessary bearing on the question of water rights and usage for irrigation purposes in this State?

I approach this subject with reluctance somewhat; certainly with deep concern and many anxious misgivings, for I thoroughly understand the difficulty and complexity of the problem which sooner or later must be solved. More than this, I appreciate how next to inpossible it is to solve it in a just, broad, rational and comprehensive manner, attributes which should characterize the spirit and letter of all laws enacted to apply to irrigation in California as well as to national revenue, to railroads and other corporations.

Absolutely just, wise, practical, elastic and progressive doctrines in owning and controlling water, and the legislation based thereon, inspired by, and harmonious with, such ideas, have been almost denied to civilized man from the moment he became a historic feature to the present time; and in California, owing to the peculiar and phenomenal condition of water rights and tenures, this truth manifests a force and intensity unknown elsewhere in the world, and is attended by an obscurity as dense as when the problem first presented its Sphynx-like face to the contemplation of civilization.

I confess the study of the history of legislation originating in the effort to control the distribution of the waters of irrigation is most disheartening. Irrigation as illustrated in India, Italy, France and Spain, and then the application, or rather the attempt at application, of the principles of their methods and systems to our own peculiar conditions, is puzzling in the extreme, barren in results, swarming with difficulties, and beset by dangers.

It is well always to remember that history records and teaches that some of the ablest minds, profound thinkers and patriotic statesmen of Spain, Italy and India, had concentrated their time and attention for years on this subject with the light of all past experience to guide them, and presents as the final and melancholy result of all their labor, only a qualified, partial success.

There are still occasions arising in these countries, as is unfortunately too often the case in our own State today, where the judge, the lawyer and the jury have to be invoked to scrutinize and adjudicate the claims and equities of irrigators.

The greatest difficulty we have to encounter in California in the enactment of any general law on the subject, rests in the fact that we have three, if not more, sources, aspects or species of law under which we hold our water rights and through which we seek to maintain and perpetuate them.

It would seem, in fact, that California inherited all the laws in countries where irrigation is practiced, and as well as in others where irrigation is unknown, and that in the process of elimination we rejected all that was just and safe, wise and salutary in each of them and reserved only that which was inefficient, unjust, worthless and dangerous!

With all the litigation over water rights which has already occurred in our State, the final settlement of the

problem seems as inaccessible as when the first suit was instituted in our courts. Where every rule of law known to civilized communities is recognized, all of which are as stoutly asserted by the contestants to be the only laws which justice, common sense and equity endorse, how can a judge or a bench of judges determine and declare what particular rule of law is that which finally settles the mixed problem?

In the absence of all enactments of a general character established by statute or confirmed by custom, and where each holder claims, with right, that his tenure has equal strength and validity with the contestant's claim, that it has been as long recognized as the other, I ask how can judges decide any other questions, save the equities of the cause before them?

If then this is our vital trouble, meeting us as business men at the very threshold of inquiry, which circumscribes what we have, what we want and should have, in the way of legislation, to rescue us from the dread sea of uncertainty in which our water rights are submerged, how vastly more difficult is the responsibility, how much more onerous the obligation which we have imposed upon our judges, which force them to decide between man and man or between communities, these vexed problems, where the legislative branch of our State government, either through fear, ignorance, corruption or criminal negligence, is silent or utterly fails to enact any law for them to enforce.

In fact our Legislature, failing at each session to explore or explain and settle this problem, or indeed any other question of a practical nature, arouses in my mind the inquiry as to the ends and objects for which governments are created. Locke's idea was that government was created by the voluntary union of men in political society, and the object for which they agreed to unite was the

preservation of their life and property. The scope of government is, therefore, limited by this, its original object. "Though men, when they enter into society, surrender their liberty, equality and executive power they had in a state of nature, into the hands of society, to be so far disposed of by the legislature, as the good of society shall require, yet it being only with an intention in every one the better to preserve himself, his liberty and his property, the power of the society or legislature constituted by them, can never be supposed to extend beyond the common good."

Now, no one can for a moment doubt we have a government, especially at this time when its legislative branch is in exra session and "the friends of the people" are wild with the hope and rampant with the desire to cinch the railroads of California. "Only this and nothing more."

(Thank God, the Legislature has adjourned since the above was written!)

I believe their efforts will be attended by the same brilliant results that ordinarily characterize the general session, particularly where special vindictive and communistic legislation seems "the Ultima Thule" of narrow-gauge demagogues and embryonic statesmen.

If our law-makers do not understand the objects for which they are sent to Sacramento, and fail to pass remedial legislation when required, we are driven for releif and protection to some other branch of our government; and that branch is necessarily the judicial department, and it must, therefore, until in God's providence, purity, intelligence and industry be restored to our legislature, for the time being act "in double trust" in the dual capacity of quasi-legislator, and as a court enforce its own laws.

Much of the law of the land, fortunately for us, is a judge-made law, and probably in the way of water laws the best and only one we may reasonably expect in California.

If such an assumption be correct, and our hope for relief and our belief in the possibility of final adjudication are centered there, it is manifest our efforts should crystalize themselves at the ballot-box more in the direction of the bench than towards the legislative department.

And here, I turn for a moment from the well-defined course of reflection to give utterance to a sentiment which so irresistibly grows out of the subject under contemplation, that the departure will not appear unseasonable or gratuitous.

In time of political excitement or activity, in the selection of our judges, in whose judicial wisdom and incorruptible justice rests our safety against failure, ignorance or venality elsewhere, no matter how strong our political bias, partisan spirit or personal preferences may be, let us, in the name of a just God, exalted patriotism and unshaken conservatism, forget ourselves for the sake of our future stability; let us forget our past relations to the point of the compass, forget east, west, north and south, and remembering, no matter where from, that we are Americans only at such crisis, turn a deaf ear and a cold shoulder to the political favorite, and give our devoted, persistent and united support even to an enemy whose clear intelligence, great experience and inaccessible views of justice on the bench will secure for us and our posterity the undisturbed and unchangeable enjoyment of vested rights and just laws and privileges, that no progress can weaken, no change undermine, or time place beyond the pale of usefulness, safety and prosperity.

A law or system of laws that is wise and good must be that, which, based on the immutable principles of justice, so adjust itself to the necessities of the times, country, and people in which and for whose benefit and protection it is particularly created and invoked.

The negative of this position would seem to assert the

doctrine that any law or code of laws that, in its enforcement, was found to be good at any period of the world's history, from the Mosaic dispensation down to the present time, must of necessity, being once good and beneficial, therefore so remain unchanged and unchanging to the end of time and consummation of civilization! Now if my proposition be correct regarding the law (it may be unscientific from a jurisprudential stand-point, but scarcely open to criticism and assault from a practical one), how then, in common sense, can one rule of law, established ages ago, to meet the peculiar and special wants of a people living under a different form of government, with a development and civilization utterly dissimilar—I ask how can it be imported into our own State as a common law and engrafted on our institutions? How can such principles or methods apply to a people whose social, political and industrial conditions are as divergent as the poles; whose form of government, necessities, objects and aspirations are not only different but radically opposed?

I am no iconoclast or revolutionist; on the contrary, in my ideas rather too conservative; but I do here dare assert that any rule of law, I care not whether the same be of native production or imported from abroad, whether the same be sanctified by age or fortified by the usage of a thousand years, whether covered over and built upon by judicial opinions as high as San Antonio mountain, I solemnly declare if said rule does not as closely, as accurately as possible, fit the times, the conditions and necessities of the people it is wrong, utterly wrong. It can in no wise enforce our respect, and may only hope to receive our sullen obedience. [Applause.]

If this view be correct, and it is, I believe, an accepted fact that the only test of a law is that it is in harmony with the times and necessities of its people, and can,

therefore, be enforced without trouble or unnecessary violence or friction, then it would seem to follow, as a necessary sequence, that courts and judges, the creation of the state, should interpret the laws, as far as possible, to the best interests of its people; the courts standing the custodians of the people with all their rights, property, life, happiness and prosperity, their fortress against invasion, and asylum in times of danger and distress.

RIPARIAN RIGHTS.

While every practical man may entertain grave doubts as to what form of remedial legislation would be best to mitigate or remove the dangers that surround us, the evils that assail us at every step, there remains in striking perspicuity one proposition on which the grand majority of thinking men in our State can meet with absolute unanimity—that is, the cast-steel enforcement of the riparian rule to the water courses and streams of the State simply means the destruction of California's best and only enduring interests. The riparian rule, I contend, is as repulsive, dangerous and ruinous to California, in the present state of its development, with its transcendent possibilities, as the appropriation law would be to England, her government, her social conditions and industrial surroundings remaining intact.

Let our courts in an evil hour give preference and sanction to this principle and the spectacle of decadence in Los Angeles and San Bernardino counties inside of five years would be mournful, aye hideous, to contemplate. The peans of triumph, the shout of victory, the hymn of thanksgiving from mountain, hill and plain, the grand symphony of prosperity that fills every gale that blows from the sunset to the desert, like Tara's harp, would be hushed forever in the land. The rainbow of

promise, whose luminous are hung across the zenith, subtending Tejon and the Colorado, would fade forever, "like the baseless fabric of a vision, leave not a rack behind." The wheels of progress would cease their revolutions, inspiration would be paralyzed, and industry stricken with mortal decay; the "Horn of Plenty," which now is in the hand of ever man who dares ask for it, would be as empty as a sick man's dream, and the lonely tourist as he traveled through a wide-spread scene of decay and desolation would read only the epitaph of the golden age of Southern California.

Where now the thoroughbred racer, with shining skin, quivering nostril, swelling veins and corded muscle, gleams in the sunlight, flies over the plain, or thunders on the glowing track, would be seen the spotted mustang that twenty years ago swarmed uselessly over this the fairest land that ever discounted enthusiasm or surprised agriculture, and ranging with him, that highly useful but less comely animal, whose ears proclaim his race or origin, whose voice has pitch if not melody, whose temper has passed into a proverb, and whose heels as engines of locomotion or retribution give new significance to the holy text that, "The race is not always to the swift, nor the battle to the strong;" where now eclectic cattle by hundreds "wind slowly o'er the lea," calling each other from precipitous mountain side, and checker from dawn to eventide the swale, the plain and the valley, would be seen a very different breed, the breed of "'49," whose meat is as tough as "the dying gladiator," whose supply of milk is homeopathic, whose love of liberty is instructive, whose courage is unquestioned, and whose breadth and length of horn denote capacity for self-preservation, and suggest eternal vigilance and timely flight as the price of safety.

The picture, elaborate though it be, distressing, pain-

fully so, in all its features, has not a line, a tint, or color that proclaims a morbid fancy or suggests exaggeration or neglect of truth more than this. Though we have located this mournful landscape in Los Angeles and San Bernardino counties—if I may use this expression—the soul of the artist in melancholy vision might behold it repeated, somewhat modified by different circumstances, from Shasta's crown of eternal ice to the lonely, burning stretches of sand that fill the Mojave desert. While the contemplation only of so great a catastrophe as a return to our former condition would, over large areas of highly cultivated and wealth-producing places, well make the bravest man blanch with fear, the ruin of homes and extinction of families that must necessarily follow give the color of tragedy to this pitiful revolution, whose remote possibility darkens the future, recalling to our minds the conclusion of the "Dunciad:"

> "Thy hand, Great Anarch, lets the curtain fall
> And universal darkness covers all."

The evil effects of bad laws upon a prosperous country can be found in the history of the viticultural interests of France, where, at one time, most of the vineyards of the Modoc were abandoned, their proprietors ruined, and thousands of contented, happy laborers driven forth from their homes to seek a living in other and distant places, handicapped by their ignorance of other methods of making a living, and frenzied by the piercing cries for bread from wives and children that followed like sleuth hounds upon their steps.

We need not look beyond our own country for unanswerable arguments to demonstrate the evil, ruinous results growing out of bad laws and ignorant, pernicious legislation. It is not difficult to legislate a nation into law-breakers; and from that position it is only one step to revolution, bloodshed and chaos!

In reproducing illustrations of this doctrine from our own country, I will present one, striking one, to your especial consideration. When the internal revenue duty on manufactured spirits (somewhere about 1867) was 50 cents per gallon, the revenue annually collected from this source was $56,000,000; but when the tax was increased to $2 per gallon, the quantity in production remaining unchanged, or perhaps increased, the government income was only $16,000,000, collected at a cost to the government of $22,000,000. Thus bad laws cost our government $6,000,000, with not a cent of income. They did more: they converted an industry, to the government richly productive, into an expensive and ruinous struggle, wherein was engendered deep and wide-spread discontent, stimulating an amount of crime in the way of illicit distilleries, perjury, wholesale collision and bloodshed, under statutory legislation absolutely unknown.

While strongly opposed to the riparian rule of law, believing as I do its enforcement would usher in wide-spread damage and destruction to our State, whose climax might be revolution; yet do I not wish to be suspected or considered the apostle or advocate of its entire abrogation in favor of the appropriation scheme, for I perfectly understand this change could not be consummated without inflicting great injury and loss on individuals, contrary to common justice and against all human rights.

It should never be forgotten that while a man may not need much water for his domestic purposes and for his stock of animals, compared with the amount necessary for his land and growing crops, still this little is indispensable, nor should he be molested in its use or enjoyment. If by the force of circumstances we are compelled finally to appeal to our Legislature for measures of relief, enacted on the middle ground that stretches between the two great horns of this mighty dilemma, the two great

rules of riparian and appropriation laws, the day "big with fate" to California has dawned and the crisis comprehending our greatest peril is at hand.

The wisdom of submitting all the millions in property in this State involved in water rights and interests depending upon them, submitting all this, and more than this, the homes and firesides, to the average intelligence of a California legislature, might well appall the bravest man; might well be most solemnly, deeply scrutinized. Now while I, of course, appreciate the sublime statesmanship of our legislature-going citizens and profound knowledge of the details connected with *their* business, yet do I very much fear that their knowledge of water being "little is therefore dangerous," being unfamiliar would, therefore, be obscure, and being fluid, subject to evaporation.

I believe, for a fact, were they asked of their knowledge of water, and returned an honest answer, it would be about this dimension: "Water is a well-known fluid; when pure, without color, taste or smell and composed of one atom of hydrogen and one atom of oxygen; that it is a good mixing fluid, inocuous when used in homeopathic doses, but recognized as often fatal when used without measure or discretion."

Now to subject No. 2: "The ownership of water, water companies and distribution of water for irrigation purposes."

THE OWNERSHIP OF WATER

Must eventually be in accordance with the written or to be written laws of the State, or in the absence of such laws, in conformity with the judge-made and declared rule of law.

The formation of companies for the development, storage and general distribution of water under their control, should, in my judgment, be limited to the district for whose benefit the company was formed; and that as

far as possible the stock should be owned by the actual irrigators and owners of the land; and that the land and water should be so married (or "sealed" is stronger, as our Salt Lake brethren make it) as forever to preclude all hope or possibility of divorce.

Stability of values, the greatest desideratum of all property rights and possessions, would, it seems to me, be best secured by such system. To allow the actual users of the water to be the stockholders in the company, engaged in the distribution, will be found to work more harmoniously, there will be a greater economy in its use, and the officers of a company need not exercise such an eternal vigilance to keep people honest. In other words, you secure in each neighbor an unpaid, but interested detective to watch his neighbor and report his derelictions. "'Tis a consummation devoutly to be wished." To the

EVIL EFFECTS OF WATER

No allusion has yet been attempted, and yet it has its shady side. And now I marvel at this singular omission on the part of your committee, who seem determined to have all the knowledge possible of water in the heavens above, the earth beneath, and in the sources under the earth, the omission of an essay to solve the psychological problem so universally recognized and yet so mysterious. "Why will a man, honest in all other respects, a good citizen, a kind neighbor, a model husband, and a conscientious parent, who would not steal a cent, no matter how strong the temptation or oppressive the necessity, and yet will steal $5 worth of water as quickly as he would a cotton umbrella with the most amazing coolness, cheerfulness and indifference, rather pleased than humiliated by his success in this direction, never penitent unless discovered; in such respects his conscience seeming absolutely blind and deaf and dumb?"

I modestly suggest that the solution of this problem be made the final act of this meeting of California irrigators.

There may exist honest differences of opinion among men regarding water rights and tenures, and any allusion to, or an expression of, a preference for any one of them is sure to provoke a more or less heated discussion, but when you come to an actual test of all the theories, come to the "times that try men's souls," the times for conscience to put in a substantial showing, and will only closely watch the disputants living along the line of a ditch, whenever their lands require water, all their honest differences of opinion are carefully, for the time being, laid aside and forgotten; they become, to a man, (especially the riparian enthusiasts) universally the relentless, uncompromising appropriators of all the waters in sight!

I know, practically know, that wine will make men, and women too, silly. I know that stronger spirit has revived old feuds, stimulated quarrels and led directly to bloodshed. I know that alcohol has ruined a home, killed a devoted wife and sent innocent children on the highways begging their bread. I know these are fearful pictures the apostle of temperance never wearies of putting on exhibition, with the horrible adjuncts of the poor-house, the jail and the gallows close at hand; but where or who is the reformer who has ever opened his mouth, who has ever preached against the dreadful demoralization that water is sure to develop in the average citizen who lives along the line of a ditch?

DISTRIBUTION.

My experience embraces, I believe, all of the practical systems used in the distribution of water for a period approaching twenty years, on all kinds and character of crops, and, I am satisfied, the pipe system is superior to all the rest, and must eventually take precedence in all

horticultural and viticultural enterprises. All solar evaporation is hereby prevented, loss by percolation checked, and a great portion of the expense of keeping the weeds under subjection necessarily saved. The development of water and its advisability is peculiarly and primarily a question of locality, and can only be determined by a careful examination and consideration of all the conditions associated with such locality. In regard to the lifting of water from surface wells for the purposes of irrigation, I have had no experience, and therefore have no advice to give or information to impart. I have read that a large capital is invested in pumps and mechanical appliances in France for raising water from wells for irrigation, and that a good well from thirty-five to sixty feet deep is regarded as sufficient for irrigating from seven to eleven acres of land.

It seems to me this question ought to be settled by reference to the cost of the power that must be developed, and this includes the cost of fuel. One item is settled — a pound of Avoirdupois requires a pound of power to raise it; and if the power pound be more expensive than the raised pound, you had better let such an enterprise alone.

Regarding the necessity of water for irrigation, I believe I can add nothing new to what I expressed at Sacramento in the annual address for 1882, and which I may be pardoned for reproducing here:

"Irrigation is to California what the life-blood is to man, or the piston-rod to the steam engine. If we hope simply to maintain our present prosperity, without any progress, irrigation must be adopted. That magnificent yield of the cereals, which made the land of California at one time famous, year by year is growing alarmingly less, and in some parts of the State has already fallen below the average of some of the older States of the Union

whose lands have been cultivated for over a century.

"Nor can we, like the Eastern States, procure fertilizers at figures which would endorse their use. Lime, guano and the phosphates cannot be purchased here at prices which would justify the investment. But even assuming we could procure all the fertilizers at equal or even lower figures, still irrigation would be the cheapest, most effective and enduring restorative."

DUTY OF WATER.

The amount of water necessary for successful irrigation is a matter of experimentation purely, and only in each district and quarter section of land, and for which no absolutely infallible rule can be laid down.

I have ample water on my home place, controlled by the pipe system, to irrigate at least one thousand acres of land, and yet guarding against the unnecessary loss of a single drop, I have frequently wasted my entire supply for months on two tracts of vineyard land embracing ten acres, so variable and whimsical are various soils in their thirst for, or consumption of, water.

From our able and very efficient State Engineer, Wm. Ham. Hall, you can obtain all the reasons, conditions and factors producing the very great differences in the demands of soil for water under exactly the same yield of crops. From Mr. Hall's exhaustive and most able report to the Legislature of California, session of 1880, many most useful and valuable facts are extracted. Indeed this report should be much better known in this State, and the careful comprehensive work accomplished by the office of State Engineer more properly appreciated, for many reasons, but principally to secure from the State Legislature such liberal appropriations as would sustain in active and effective operation for years to come this most important branch or bureau of State creation or

development. In view of the overwhelming but still increasing importance of irrigation in our State, and its almost indissoluble association with and dependence upon the State Engineer's office, I believe the period has arrived for adopting the most expeditious method of elevating it into a fixed State office, after the manner of the State Controller, or State Superintendent of Public Instruction.

And now the end draws near, and as courtesy began my address in thanks to you for the honor you had done me, gratitude must close it in the expression of thanks for your patience.

I believe irrigation is the corner stone or arch on which rests the whole superstructure of our future prosperity; on which its vitality, strength and perpetuity are predicated, and upon which the mighty possibilities of this great State depend for their consummation. These once accomplished, the remainder of our days will be passed amid the eclectic scenes or esthetic conditions of perfected civilization scarcely equaled among the oldest, proudest and richest commonwealths of the world!

Irrigation opens the way to the easy acquirement of small homes and productive holdings, and these, in their indefinite multiplication, will necessarily force the division and sub-division into small tracts of the large ranchos, still found throughout the State, the future site of thousands of happy homes.

As the individual becomes more powerful and significant, when he is presented in the family aspect, so the family is potentialized by its appearance in their homes. In early school days the five magical letters H. O. M. E. S. formed the word, which by a system of mnemonics, meant the five great lakes in the northern portions of the United States, Huron, Ontario, Michigan, Erie and Superior. Reaching man's estate, this word means more, infinitely more for us.

It means the first presentation of humanity in condition for development and civilization; it means a school of the soul, wherein virtue is practiced and taught, and where its necessity for happiness is most profoundly illustrated. It is the garden wherein are cultivated those rare but beautiful flowers, respect for women, the adoration of the sanctity which should always surround woman, the origin of chivalry in its holiest aspect; a school wherein are taught reverence for God and his Divine Word, as we find it written; devotion to religion; reverence for age and respect for authority, and love of truth; charity for our neighbor; honor and self-respect. It means the university in miniature, wherein patriotism receives its earliest and most enduring lessons; where the heart is taught to love "our native land," to make its elevation among the nations our chief pride, and its defense against civil or foreign assault so sacred that life itself becomes a trivial sacrifice when offered on its altars! It means the mightiest influence, in a word, that best prepares mortality, with an awe which does not inspire terror, for the unknown and immeasurable circumstances of immortality! If from this aspect of homes, irrigation can lend them one atom of service, this hour, my friends, has not been spent in vain.

"THE PRIMEVAL DIGNITY OF MAN."

AN

ADDRESS

INTRODUCTORY

TO A COURSE OF LECTURES

ON

HUMAN PHYSIOLOGY,

DELIVERED

AT THE TOLAND MEDICAL COLLEGE,

BY

J. CAMPBELL SHORB, M. D.,
PROFESSOR OF PHYSIOLOGY.

JUNE 4th, 1867.

SAN FRANCISCO:

B. F. STERETT, PRINTER, 533 CLAY STREET, BELOW MONTGOMERY.
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CORRESPONDENCE.

TOLAND MEDICAL COLLLGE,
San Francisco, June 7th, 1867.

J. CAMPBELL SHOB,B M. D.,

Professor of Physiology in the Toland Medical College:

Sir,

We, the Senior Students of Medicine have been appointed by the Class to convey to you a slight testimony of the high admiration in which they hold the Introductory Lecture delivered by you at the beginning of the Fourth Session of the College.

Furthermore, we are instructed to request a copy of your address for publication that its rare philosophical and literary merit may be preserved in print.

Very Respectfully,

J. W. STEELY, L. ROBINSON,
A. A. O'NEILL, T. W. SHELTON,
J. J. HACKETT.

SAN FRANCISCO, June 8th, 1867.

MESSRS. J. W. STEELY, L. ROBINSON, A. A. O'NEILL,
T. W. SHELTON, J. J. HACKETT, } *Committee.*

Gentlemen,

I have just received your very kind note, asking for a copy of my Introductory Address for publication. It gives me great pleasure to comply with your request. The hasty manner in which this address was prepared, renders it full of imperfections, which you will kindly forget in consideration of the truth it was designed to defend.

The Primeval Dignity of Man is a doctrine very dear to all of us, and the humblest effort, directed to its preservation, becomes noble in consequence.

I am, Gentlemen,

Very Respectfully, your ob't servant,

J. CAMPBELL SHORB.

ADDRESS.

You, Gentlemen of the Medical class, and myself, are on the eve of commencing a journey together, one, that in a certain sense, may be truly styled the journey of life, its beginning is the cradle, and its end the grave!

It is right and proper that we who are to travel in company should know each other well, and that the journey may be pleasant and profitable, we should, as friends commence it. We shall each and all of us, from time to time, as the way leads up rocky steeps or is covered by the darkness of night, need each other's kind words of encouragement and helping hands. Foot-worn and weary we may fall on the roadside,—or depressed by the prospect which will be dismal at times, we may feel like turning back, and under these circumstances mutual friendship must be our inspiration; by it we will be endowed with ambition to reach the goal at our journey's end,—with it we can dispel the whispers of despair—we can take new hopes and march resolutely forward.

On me devolves the grateful and pleasing duty of being your guide! For your sakes I wish, from my heart, that you were in abler and more experienced hands. The country through which we are to pass is not as familiar to me as I could wish, and yet I trust, that to those who in this session have commenced their medical studies, as we journey on, I can point out truths and beauties, lovely to know and see and most necessary to remember; and for those who will, at the close of the present course, receive their diplomas, I can at least refresh their memories, already laden with many valuable lessons taught them by my most worthy predecessor in the chair of Physiology.

Until comparatively a recent period, the region which we are about to enter was a dark and unexplored country. From very ancient times, every now and then we find that some daring traveler, urged by his love for the mysterious or his devotion to a science which was still in its infancy, ventured into this unknown realm, and coming back related the marvelous things he saw there. The stories were—except from the fact that they were novel or interesting—entirely devoid of practical ability, little better than pure speculation.

But in more modern times, a host of travelers, with a courage that could not be daunted, and an industry that is beyond all praise, have started in a systematic manner, to examine and explore—like the spies sent by Moses into the land of Canaan—this mysterious country. Their labors have been most successful, they have made vast additions to knowledge, they have conferred incalculable benefits upon the human family, and they have built for themselves monuments more lasting than brass.

Those hard working travelers have not been confined to our country. Throughout the world, where civilization existed, and human life was dear; were found a number inspired with the same feelings,—cheered by the same hopes—having in view the same glorious end, making most valuable contributions to the topography of this once unknown land. They have brought back treasures with them, rich building material, quarried in far off places, massive pillars of fact, and rare gems of knowledge. In truth—its corner stone—they laid the foundation of a gorgeous palace, and the structure goes slowly but nobly up, not finished but grand in architectural design, broad and well founded like the mountain, rising with jeweled walls with columns of wondrous beauty and strength, with friezes and cornices of exquisite imagery, higher and higher, into the very zenith.

And we are called upon to study this beautiful but still unfinished temple,—we are asked to bring our contributions to it. Like our predecessors, we must labor,—ignoble offer-

ings we must never bring. We must follow in their footsteps, guided by the lamps which they have left burning, and which if man be true to the lessons of History, will burn eternally as the stars.

We must not, however, suppose that we have merely to follow in the path which they pursued, for they have garnered all that was valuable there. They tell us, for they know full well the truth, that to the right and left of the way there are dim vast tracts in the distance of which nothing is known, and where careful, patient investigation will reap a most abundant harvest. It is into these hitherto unexplored portions we must strive to enter—there dilligently to labor—hoping, praying to discover what, to the present hour, has escaped the scrutiny of man; in the possession of which we can securely hope for that distinction here which has given immortality to our predecessors, and that reward hereafter which Abou Ben Adhem received, when erased from the number of those who loved their Creator, he asked his Angelic Visitor "to write him down as one who loved his fellow man!"

I bespeak for myself your friendship,—you have mine most sincerely, and so as friends we start to-day upon our journey of human life—the study of human physiology. This is a science which investigates the process and phenomena of the life of the healthy human body, and explains the laws which govern them. Human life is the object of our study, and I have deemed it a fitting introductory, for reasons which shall appear hereafter, to a course of lectures on this subject, to review the justice of the claims to thatposition which man holds is peculiarly his own in the scale of creation.

That a science may be fully appreciated, it is necessary carfully to examine the matter of which it treats. It may be laid down as a general proposition that the nobility of any science can be most perfectly demonstrated by showing the nobility of the object to which it is directed.

It seems so useless and trite in this age of the world, to

use the much hackneyed expression, that the proper study of mankind is man, or to advance arguments to show the grandeur of that investigation which has as its object the fullest knowledge of human life, that we feel as if we ought to preface any remarks on the subject with an apology. But the truth is, that though theoretically we are all convinced of the importance of the subject, we practically very much ignore it, and there is great reason to doubt if any of us could fully and satisfactorily answer the question if it were put to us, " What is man, and what has he done to be considered this marvel of God's creation, this master piece of his Omnipotence?"

We must not lose sight of the fact that though the present age is one of invention, it is certainly one of innovation too. As far as progress is concerned, it is not necessary that these should be associated, for one does not perforec imply the other. It is by too exclusive a consideration of the advantages of invention, that the dangers of innovation are overlooked and forgotten. The spirit of Invention reaches its highest excellence in addition to the present, not subtraction from the past, and Innovation, when applied to the removal of error,—the age harmonizing with the scheme of reformation,—should in every way be encouraged; but when it invades the sanctuary in which are stored the collected results of the experience of ages, and lays its sacrilegeous hands upon knowledge it has taken centuries to accumulate, the principles which mighty minds arrived at only in dying, it is not a blessing but a curse, which we are called upon to avert.

In our day, this is unfortunately the species of innovation that is so rife. It is a deluge threatening to submerge the land, and we must build our ark as speedily as we may, and trust that the Deity, whose greatest work we propose to vindicate, will guide us safely through the dark and troubled waters. If the past were altogether wrong, and the modern mind, distraught for notoriety, is forever dinning such doctrines in our ears, then the present, which is its legitimate

outgrowth, must partake of its nature and be full of error too. The age is a fearfully conceited one. Conceited! Yes, and full of the blackest ingratitude. It would hide from view the weak and the tottering forms of its ancestors, whose honor, the lapse of time far from diminishing, only renders more brilliant, and whose efforts opened the way to all the wonderful achievements that throng the present century.

The time was—the youngest of us all can still well remember it—when we believed in the history of the origin of man as we found it written in the Bible. To doubt its representations was like questioning the existence of the Being with whom it was so intimately associated. The story ran, and there is an air of truthful simplicity about it all, that in the beginning, Omnipotence created the heavens and the earth and all contained therein, and from the dust of the earth, he formed a creature after his own image and likeness—he breathed into it the breath of life and called it man. Anterior to the moment that the fiat of creation went forth, it was resolved to make man in the likeness of his Creator. Philosophically speaking, we all know that spirit has no configuration or dimension, but from a careful consideration of the Mosaic account we are led to infer that when Deity shall pronounce himself to our mortal eyes, no matter how profoundly spiritualized, it will be in the form and semblance of a glorified man. In this thought there is an infinity of inspiration—a sufficient explanation for all the wonderful achievements of the human intellect—a mighty stimulus to the development of the sublime possibilities of this magnificent creation! What has the Present done or tried to do with this precious heritage of the Past—this belief in the nobility of man—this faith in the Bible history of his origin? It has declared, we shudder as we tell the truth, that the Bible is a fraud and its authors imposters—it has thrown aside and trampled under feet its burning messages of prophecy, its sublime lessons of morality and love, its poetry and its eloquence; it has torn man from his high position, ridiculed the

likeness after which he was created, and declared him the descendant of a monkey born in the fiery atmosphere of tropical suns, away down in the grey dawn of creation.

Let us stop here a moment and look around us. We are sitting, Marius like, amid the wrecks and ruins of the past, and hearing the sad but eloquent pleadings coming up from by-gone ages for justice, succor and defence. Man, our idol, is assassinated, his throne is destroyed, his glory eclipsed and his sovereignty over! There was beauty, if nothing else, in our time-honored belief in the nobility of man's origin, but the theory that the vandalism of the present proposes as a substitute is the very incarnation of ugliness. In the blazing light of modern science many fanciful notions that thronged the past, have been consumed, and we hear without regret that Neptune has been forced to drop his trident with which he controled the passions of the ocean and the pulses of the tides, and that Æolus guarded in his island home by walls of brass and smooth, precipitous rocks, keeps the wild winds in subjection no longer, but we turn with instinctive horror from such elaborate improvement as would disarticulate man from his Creator and make his destiny, one in common with the brutes of the field which perish.

Gentlemen, you have heard, no doubt, of the development theory, one of the beautiful Caliban offsprings of this glorious century. This is a theory as false as it is pernicious. We smile now contemptuously at the poor deluded alchemists, who withdrew themselves from the familiar haunts of men, and throughout the solemn stillness of the mediæval night, searched with blazing eyeballs for that magic stone which from the baser metals could tempt the burnished gold, and yet we are called upon to treat with consideration and respect their unworthy counterparts in this enlightened age—those ill-famed fanatics who would publish their blasphemous lie to the world that they had discovered that wonderful thing which metamorphosed a homely baboon into a glorious man.

Gold will remain gold, and silver will remain silver, until

the Protecting Hand which put this globe in motion is withdrawn, and elements return to the chaos of vapor from which Omnipotence evolved them, for the metals were different from the beginning and so will remain to the end; the monkey will remain a monkey until the fiat of creation which sent the unhappy monster here is accomplished, and man will remain a man, with an immortal soul and transcendent destiny forever and forever, as long as He survives whose birth-day is eternity!

This is not mere idle declamation—the wild dream of a youthful and credulously enthusiastic mind. They are mighty truths, which each and every one of us can read, written in ineffaceable characters upon the everlasting hills, and on the rocks, upon whose broad bosoms they have slept for centuries. Geology puts a torch in our hands, and guided by its friendly ray we can go back to the dark periods of this world's history, "in the dark backward and abysm of time," when not even a living thing, animal or vegetable, was seen upon the earth. In the vaporous desolation and melancholy stillness of that geologic day we can commence our investigations. We breath with difficulty, for noxious gases fill our lungs, and our feet nearly blister as we stand upon the heated crust, almost too thin to hold us up. Reverentially we approach the rocks, which have remained in spite of all sublunary convulsion—pillars of cloud by day—and pillars of fire by night. We lay our hand upon them as Moses did his wand upon the rock of Horeb, and to thirsty souls a stream of knowledge comes forth in plentiful profusion. Gratefully we gaze upon the strange inscriptions witten upon the stony leaves of those divine volumes and feel that the mind of God conceived the alphabet and with it wrote that history, without which, in these frail days, man most surely would go astray.

What do we see upon those stony tablets of the ages? First, the simplest forms of life timidly appearing, forms of vegetable life, of course, they preceded the animal for which they were to furnish food. Ages on ages roll by, the higher

types of plant life have appeared, the coal period and its profuse vegetation are recorded, animals come in upon the stage, commencing with an insect—a microscopic speck, too small for the unassisted human eye to discover—and running through an endless variety of forms terminating in those deadly devouring monsters of the Mesozoic times, those huge beasts beneath whose ponderous tread the very pillars of the earth trembled.

From the appearance of the fern, the alpha of life of any kind upon this planet, to the creation and duration of the Megatherium, a lapse of ages intervened which we can scarcely ever comprehend. In all this time, except in the Great Architect of the universe, can we discover any evidence of mind, any record of genius? We will answer this question presently. The earth, at length fitted by the perfection of its animal and vegetable organisms for a new creation, awaits his advent patiently, and man, its master—warm from the laboratory of Almighty God—appears upon the scene and takes his part in the great drama of creation. Coeval with his appearance commence the evidences of mind. We look in vain for them before. Armed with the microscope to search the earth, and the telescope to scrutinize the Heavens, summoning to our aid all the chemist's art and the power of the geologist, we fail to discover anything that proves the existence of intelligence before man's arrival upon this planet. *Man and Mind* they came together here, and to this truth the stony tablets of the earth, inscribed by the finger of Omnipotence, give the most incontrovertible testimony. His coming was the sun which in a later geologic period heralded the dawn of an intellectual day, after darkness had long brooded on the face of the deep and the confines of the earth.

If there were anything in the development theory except wilful blindness and stupidity, we should find in the periods just anterior to the advent of man some dim outline, some prophetic foreshadowings of the light which burst upon us simultaneous with his creation—we should find a dawn gradu-

ally developing into a perfect day. But there is no such thing. It is midnight and all its dark concomitants on one hand,—on the other highest noon with all its glory and effulgence, and between the two there is an infinite chasm which no human ingenuity can bridge over!

When man first appeared upon this planet his mind was as grasping, his perceptions as clear, and his possibilities of progress as unlimited as we find them now. Science there was none, at best, but little for this is based upon long continued and accumulated observation and can come to full maturity only in later times, but the record of the love of the beautiful, the sublime and the terrible, stands out in bold relief on the darkness of the earliest historic times. The achievements of pure mind, as evidenced in philosophy, poetry, painting, sculpture, and architecture, as far back as one can go, have never been surpassed, probably never equalled. Few of the relics, that have come down to us,—mutilated though they be and covered with the dust of centuries, are faultless, or if they have defects, they are such as mortality can never hope to rectify.

And so Man and Mind are coeval and inseparable, and it is safe to conclude that had it not entered into the purpose of Omnipotence to create man, the world, surviving a million of years, would never have been illuminated by a single solitary flash of intelligence. We might rest our cause here, for by facts which admit of no controversy, having shown the nobility of man's origin by the gift of mind which he alone of all sublunary things possesses, it were an easy task to follow him through his brilliant conquests, and prophecy the triumphs which in coming ages, retaining all and improving upon the collected results of the experience of the past, he will undoubtedly accomplish. But we purpose to go a little further, the battle with the enemies of mankind has commenced. Unprovoked by any act on our part, the war is carried on with a malignancy that knows no bounds, and through the smoke of battle we read upon the banners of the cruel foe their appalling purpose, "No quarter." Feel-

ing, as we must, some anxiety still in reference to the final result of the struggle, we must humbly invoke the aid of Him, whose thunderbolt can shiver into sand the adamantine rocks, begging for victory and peace!

One of the arguments paraded with great ceremony and show of learning against the doctrines we are proud to defend, is the development of the intelligence of man through myriads of ages, from the instinct which belongs to the brute creation. Instinct is indeed a very wonderful gift, and we are often struck with illustrations of its power, so closely allied to mind that it were difficult to determine where one ended and the other began. A careful consideration, however, of the habits of men and animals, will reveal the fact that in man, disconnected with that train of thought which characterizes reason, we find an amount of instinct too—equal to the highest degree of the principle witnessed in the brute creation. The immediate search of the new-born infant for the food which is to nourish it, and the mechanical means the little thing adopts for attaining it are illustrations of instinct as clear and unmistakable as any ever witnessed in connection with the brute. And so man has all the instinct of the lower animals, is as smart as any of them, the possession of mind taken out of the question entirely.

But if the argument of the development from instinct holds, it is fair to go back a little further, and assert that this principle in the brute is an improvement of the same faculty found in a form more or less modified in certain plants. It seems a very bold announcement that there is an instinct in plants, yet botanists will tell us of many evidences of its existence there. We well remember reading a very remarkable instance of the kind in the habits of a plant known as the Valisneria Spiralis.

This is an aquatic plant, having its home in tidal streams. It belongs to that class in which the male and female are distinct individuals. The male plant has a long spiral body, by whose elongation or shortening in the ebbing

or the flowing of the tide, it is able to keep its flower adapted to the surface of the water. The female plant has a straight stem and much shorter. It grows near the shore in secluded places, where the water is shallow and still. They are thus differently formed and remotely situated, and it was long a question how union took place and increment perpetuated. But careful watching revealed the fact that when the male flower reached its full maturity, the spiral stem became withered, and the flower separated itself and gallantly sailed over the water in quest of his lady love. For a while, the fickle thing, driven by the tide or blown by the wind, leaves the presence of his mate indifferent to her attractions. But suddenly his flight is checked, we see him obeying a new and mysterious influence, and though wind and tide oppose him, he seek and finds his mate and their nuptials are duly solemnized. What is this stupendous influence which, operating at a distance and in the face of wind and tide, gives the male flower a new and right direction? We may call it what we please. It is instinct if anything, and we are powerfully tempted to look upon it almost as perfect an instance as any we can find in all the mammalia animals. We could multiply examples, but it were weak and useless to do so. One is as good as a thousand, and if its salutary teachings are disregarded, no argument we can advance would reach the hopeless, helpless, blindness and imbecility of our adversaries!

Before we leave the subject of instinct in animals, it would be well to observe how in their manifestations of this principle, we discover that the brutes themselves acknowledge the supremacy of man, and in many ways evince that they have a legendary notion of the fact that in the beginning, as we find it written, dominion was given to him over the fish of the sea and the fowls of the air, and over all the earth. It was a beautiful fancy in the poet, in that charming description of his, of the scenery of the island upon which the poor heart-broken Mariner was cast, and in giving us an idea of its extreme distance and isolation from the

haunts of men, he tells us the beasts and birds were so wild that they were tame and not afraid of man. In the Millenium, probably, such sights will be seen, and from the poets lips the story falls sweetly upon our ears; but the Naturalist who deals in truth and ignores fancy, gives us a very different account. He tells us that nowhere in the world, neither in the eternal snows of the Artic circle, or the burning plains of tropical countries, neither in the sea or on the land, is found a creature which the presence of man will not put to flight. Impelled by the instinct of self-preservation, the defense of their young, or the pangs of hunger, animals of various kinds attack man repeatedly; but outside of these conditions, they fly at his approach—the tigar to his jungle, and the polar bear to his ice-fields where man may never follow! How, except on the hypothesis of primeval superiority can this phenomenon be explained? In structure man is a pigmy—in physical strength a child—and in courage a very craven, compared to many animals, and yet his presence awes them all.

On the dull tablets of the brutish mind, are written characters which time nor change can ever obliterate; characters of endless serfdom to man, and they accept the condition and acknowledge it in a mute but forcible way throughout their lives.

And now another sphere of enquiry opens up to our consideration. In the possession of the faculty of speech, and in speech itself, we find a wonderful support to our principles and a crushing argument against the development theories of our scientific adversaries. Language being the instrument of the expression or communication of thought, can only be found associated with intelligent or intellectual beings, and, of course, man alone ot all terrestial animals possesses it. If our theory that man and mind were coeval and instantaneous, be correct, we should find Language, or the evidence of its existence appearing simultaneous with man's creation. And such undoubtedly is the truth. Before the strata of the earth, explored by the searching spirit of

modern enquiry gives token of man's presence here, not the slightest evidence of the use of a language can be discovered; but after his appearance on the scene, records of speech multiply, as we might imagine in a charming and plentiful profusion.

If those fabulous projenitors of the human family, which were undergoing the delightful and scientific process of metamorphosis, had the faintest conception of a language they certainly failed to leave any record behind them of their possession. The dispersion of mankind from the theatre of his divine manufacture, and the gradual expansion of his intelligence necessitated written language as a means of communication and preservation of knowledge—where we can find any traces of man, let the period be ever so early, we discover that he left a history of his presence—the minutes of his labors written in rude symbols, it may be, yet easily deciphered and full of interest. Were we to ask our adversaries why their friend the gorillas and baboons neglected to do their proportion of development scribbling—we would probably be told they were so busy metamorphosing they had no time to attend to anything else.

We do not wish to cumber this lecture, already long drawn out, with elaborate arguments to prove that man's appearance here was instantaneous. The arguments are readily found, and he who runs, may read them. It is certain that nothing like man heralded his advent or typified his semblance. In one moment he is nowhere on the planet, in the next we find him in all his wonderful perfection. Take too geologic periods closely allied in point of time—in one no evidence of man exists; in the other we see him matured in physical configuration, an adult in intelligence.

Associated with the idea of intellect is the necessity of a language by which it can be expressed. We are struck with the wonderful mechanism of the human eye, a perfect aggregate of most perfect parts of solids and liquids, of transparent and opaque tissues, of curtains, lenses, and screens, most exquisitely adjusted. Yet of what value or utility would it

be if Cimmerian darkness enveloped the world and not a ray of light was permitted to enter? And the human ear, would it not be a useless organ in a planet of perpetual silence, where no sound was allowed to disturb the deep sleep of the atmosphere? The necessity of a language grows out of the phenomenon of the existence of mind as irresistibly as light from the contemplation of the eye, or sound from the structure of the ear. Language implies the presence or association of two or more. Had Omnipotence created but one man the necessity of a language would not be so apparent, but even here it is hardly supposable that the lone creature would live on and yet have no communication with his Creator. The first lessons in life just begun were addressed to the ear and not the eye, and this truth involves the sublime idea of our progenitors conversing face to face with the Deity. The first Man, as to whether his name was Adam or not, we are sublimely indifferent, having a mind and the means of expressing it, required the presence of another to whom he could communicate his thoughts,—and the fiat of creation, which made him, went forth again, and lo! upon his enraptured vision burst the form of woman, his companion and his friend! And as we gaze upon her beauty now, which has followed her like a shadow through thousands of years to the present hour, as we study the loveliness of her face and form, and catch the sweet light of her eyes and the tender music of her voice, do we not all feel like asking with the poet—

> "What impious tongue, ye blushing saints, would dare
> To hint that aught but Heaven ever placed her here!"

Gentlemen, when we come to investigate this subject by the light of pure reason, or dropping reason, when we take the plain, unmistakable teachings of history, whether written by man or inscribed by Omnipotence upon the strata of the Earth, do we find the principles of our ancestral faith weakened or our admiration for development theories increased? Do we not cling with tenderest feeling to one, and reject with supreme disgust the other? In a word, do

we not find the Mosaic account, from day to day, adapting itself more perfectly to the march of science, and within our souls grows the dear conviction, that as truth after truth is added to our already existing store of knowledge, and properly balanced intellect, with untiring energies, brings to light new records from the subterranean archives of this planet, the impious vagaries of our small philosophers will disappear "and like the baseless fabric of a vision leave not a rack behind."

The first question proposed in the commencement of this lecture: "What is Man?" at length is answered; imperfectly, I know, but fully enough to meet the requirements of men who desire to be useful and practical, instead of scientific, at the sacrifice of all the traditions of the past.

The second question: "What has Man done?" is one so vast in its proportions that we are almost afraid to attempt its solution. Indeed, we cannot, in a lecture of this kind, do more than skim over the surface; a regularly connected account of man's progress from the time he became a historic character to the present day would consume many volumes. When the dispersion of mankind took place from the necessity of his multiplication, written language became an indispensable element of progress, and to this we are indebted for all our notions respecting the wonderful endowments of man in the most remote ages. It has kept the history of his recorded thoughts and actions in undying remembrance. It keeps in view his arts, his poetry, his eloquence and philosophy, his astronomy and mathematics, his love, his filial piety and patriotism, his faith in a Deity and his blessed hope of immortality.

The geologist, delving in the depths of the earth, associated with the vestiges of man's earliest existence, occasionally picks up a queer old coin. Let us look at it a moment. What a mine of thought is opened by its appearance, and fancies "Thick as leaves in Vallambrosa" fill our field of vision. This old coin has rare historic value, and if we will only listen, it will talk to us. It will tell us, in the day it was

manufactured, there were well founded laws respecting the rights of property, there were modes of exchange and standards of value, and governments by which they were established, regulated and kept in force; it tells us in those ancient days, miners prospected for metals, and occasionally struck the veins; that there were assaying establishments and mints from which it, with a thousand comrades, came forth the public usage. It paints the perfection of drawing and sculpture which preceded its appearance; it tells of the maturity of a language and its expression in writing, and the clear perceptions of the principles of arithmetic. And in our last gaze upon its ancient, venerable face, we behold its fear of oblivion and its desire to be remembered in coming ages.

In those misty days which, so far as we are concerned, are certainly pre-historic times, man did what he has repeated, with gradually improving intelligence, down to this century. He founded empires which grew to be mighty, reached the zenith of their greatness, passed into a state of decrepitude and finally disappeared. On the grave of perished dynasties he has built new sovereignties, grander, nobler than any that flourished in the Past. Take the magnificence of Greece, as exemplified in the valor of her sons, the intellectuality of her statesmen and the wisdom of her philosophers, in the days when Leonidas met the invader at Thermopylæ; or, later by a century, when Demosthenes by his impassioned eloquence kept at bay the Macedonian king. Consider the grandeur of Rome, "that most high and palmy State of Rome, a little ere the mightiest Julius fell," when Virgil sang so sweetly in the garden of Mæcenas; or Cicero, incandescent with patriotic fire, hurled from the forum, those burning javelins of formal, terrible impeachment against Cataline the conspirator; consider them both—Greece and Rome in the noon-tide of their glory; they were flowers that bloomed in a later day, the seeds were planted originally in the gardens of Assyria, from which the world in all ages has been supplied. Man was mighty in the beginning—a very giant,

and the first recorded Empire that he founded in forms more or less modified, has been repeated in every system of civilized government, down to the present day.

Gentlemen, have you ever stopped to reflect upon the the thoughts that must have filled the mind of him who first beheld the ocean? A wide expanse of water, stretching into infinite distance, sublime when in repose, and terrible when its billows, lifted by the titan shoulders of the tempest, "mount to the welkin's cheek," did it not say to him, "Thus far and no farther;" and did he not feel, if he disobeyed the voice of warning and tried an element not his own, that

> "Like a drop of rain,
> He'd sink into the depths with bubbling groan,
> Without a grave—unknelled, uncoffined, and unknown."

But man was not satisfied; he chafed at boundaries to his progress, he rebelled against the tyranny of the ocean, and that rebellion weak at first, triumphed at last, and he goes down to the sea and launches his strong-knit bark,—he spreads his canvass to the gale, and makes the trackless deep a highway through the world;—and when in his wanderings on the sea,—night and tempest shut out the friendly light of sun and stars, he seeks his needle, that wonderous offspring of his intellect, and true as the lightning, whose spirit has been breathed upon it, it silently leads him to his haven at last!

In the long ago, when the thunderstorm blackened the Heavens, and the conflagration of the lightning light up the entire sky, man trembled and fled, believing the Deity was angry and contemplated disaster to the world. In a later day, Franklin sends up his little paper kite and the fiery, untamed spirit of the clouds becomes the docile creature of his will, and where he bids it go, it meekly obeys, and human life and property no longer dread its vengeance.

More than this: Man has taken a little wire and stretched it from land to land, and under the ocean from continent to continent, and over this slender thread, he sends the lightning, his messenger, which flashes his wishes and his thought "from Indus to the Poles!" A word more ere we finish. We have all read in the Arabian Nights the story of the poor fisher-

man who, in casting his nets, drew from the sea the copper vessel with the seal of Solomon upon it. In opening the vessel a thick smoke issued from it and filled all the shore. Gradually the vaporous mass solidified and the form of a huge and angry genius appeared to the awe-struck fisherman. The ungrateful demon, ignoring the means by which his deliverance was effected, was bent on destroying his saviour. Affecting to disbelieve that so enormous a giant was ever contained within the narraw compass of the copper vessel, the fisherman induced the genius to return, and once having him within his dungeon, he put the seal of Solomon upon it, and the Devil was at his mercy!

Man, by a process of incantation his intellect devised, has raised from the surface of the water a spirit as vast, powerful and destructive as the one which towered above the hapless fisherman. He has bound him down with bands of iron and ribs of steel, he has laid an iron pathway for him,—earth and rocks would crumble under his mighty stride,—and over the valleys and through the mountain gorge the angry monster goes, howling with breath of flame and sinews that never tire, transporting his master and his property to and from the four winds of Heaven!

Steam in the hands of man has revolutionized the industry of the world.

We can dwell no longer on his other triumphs. I have taken but a drop from the ocean of his wealth, study will recall what I have been obliged to omit. Be assured of this, however, that the more we investigate man's past history, his present achievements and his almost infinite possibilities, the more fully will be revealed the truth of the poet in that sublime apostrophe of his upon this marvel of Omnipotence: "What a piece of work is man! how noble in reason, how infinite in faculties, in form and moving how express and admirable; in action how like an angel, in apprehension how like a god; the beauty of the world, the paragon of Creation!"

33

ORATION

OF

SAMUEL M. SHORTRIDGE

DELIVERED AT

FARRAGUT HALL, VALLEJO, CAL.

JULY 5th, 1897

HON. J. J. LUCHSINGER,
President of the Day.

ORATION

DELIVERED BY

SAMUEL M. SHORTRIDGE,

AT VALLEJO, CALIFORNIA.

JULY 5, 1897.

Fellow Citizens:—

Grateful for the manifold and inestimable blessings we enjoy as children of a free country, and duly mindful, I trust, of the sacred duties and grave responsibilities resting on us as heirs and guardians of a nation born of a just and righteous revolution, we come again to-day to re-affirm our devotion, to re-dedicate and re-consecrate our minds and hearts to the flag and the Union of Washington. Standing in the sunlight of liberty, an example of what a free people, led by wise counsel and moved by intelligent and self-denying patriotism can accomplish, we, the children of immortal men and inheritors of their works and glory, come to celebrate our Nation's birth and to rekindle the fires of loyalty in our hearts, to recall and recount the heroic sacrifices and the willing martyrdom of our ancestors, who, upon a hundred fields, in snow and ice and rain and storm,

in heat of noon and chill of night, gallantly strove and grandly died to make this new world of promise the resting-place and home of freedom forever.

A mighty nation, conscious of its strength, proud of its past and hopeful of its future, reposes and rejoices in peace. Business is suspended, the noisy marts of trade are silent, the music of the anvil has died away, the throbbing heart of the engine is at rest, the white-winged sails of commerce are furled, while from all over our ocean-girt and imperial domain—from mansion and cottage, from hamlet and metropolis, from valley and mountain-top—ascends to God, to the heavens that have smiled upon and blessed our cause, the prayers, the gratitude, the exultant, joyful song of seventy million free men. All hail to the spirit of independence! All hail to the truest and greatest republic that ever blessed the world! All hail to the land of free thought, free lips, free hands! The star of liberty is fixed in the firmament. Its beams chase darkness to the uttermost parts of the earth; its light remains to cheer, to inspire, to lead man up the toilsome ascent from bondage into freedom.

It is a day when hope animates and pride exalts and gratitude softens the American heart, a day of all the year most sacred and most holy, a

day when we think seriously of our country, her dangers and her difficulties, when conservative and cautious age and hopeful and enthusiastic youth—matron and maid and sire and lad—reverently draw near to the altar of their country, and humbly bowed low resolve again to stand or fall, to live or die, as it may please God, under the ample, sheltering folds of that dear and venerated flag. Above all, my countrymen, it is the day when that beloved and only banner of the loyal heart, born of the blood and the tears of the Revolutionary struggle, and carried aloft unsullied and ever triumphant on land and wave, seems most glorious; when lofty and lowly, white and black, native and naturalized—all who share its protection—look up to and gaze upon it with pride and joy; when its every star and stripe and fiber seems most precious and sacred, and awakes emotions in the patriot breast that strive in vain for utterance.

We meet to-day, not as blinded partisans, not as members of a torn and discordant Union, not as strangers, but as children of one common country, our hearts stirred with the same emotions, our eyes fixed upon the one and only flag of freedom. The clouds that lowered over us have long since lifted; the old-time dangers that

threatened have years ago passed away; the passions and animosities that once divided our people have happily given way to sentiments of mutual admiration and regard, and the flag we behold is emblematic of the Union of our fathers, cemented and bound indissolubly together with love and hope, and in defense of which every American breast would be bared, every American arm would be raised, every American heart would shed its utmost drop of blood.

"We know but one section, one Union, one flag, one Government. That section embraces every State; that Union is the Union sealed with the blood and consecrated by the tears of the Revolutionary struggle; that flag is the flag known and honored on every sea under heaven, which has borne off glorious victory from many a bloody battlefield, and yet stirs with warmer and quicker pulsations the heart's blood of every true American when he looks upon its stars and stripes, wherever it waves; that Government is the Government of Washington and Adams and Jefferson and Jackson—a Government which has shielded God's oppressed children who have gathered under its wings from every portion of the globe." Yes, we know and acknowledge allegiance to but one Government, the Government of Abraham

Lincoln, "of the people, by the people, and for the people," "conceived in liberty, and dedicated to the propositon that all men are created equal."

Above the passions and civil conflicts of the hour, above local interests and party predilections, above the dust and fog that warp our judgment and distort our vision, we rise to-day to a broader plane, a serener height, and stand upon the proud eminence of American citizenship; and, standing there, let us take an honest survey of our surroundings, let us gather up the lessons of the past, consider the dangers and the duties of the present, and indulge ourselves in pleasurable anticipation of the glory that awaits us if we are faithful to our inheritance, true to our mission, and equal to our trust.

Our fathers believed in law and order; they believed in organized government; but, above and over all, they believed in individual liberty. The arrogance and tyranny of England, borne patiently and meekly for generations, at last drove the colonists to revolution. The crisis had arrived which was to determine whether they should remain slaves or become freemen; whether they should continue dependent suppliants for the common rights guaranteed to every Englishman by Magna Charta, wrested from King John at Runny-

mede, or assume a free and independent station among the nations of the earth; whether the patriotic leaders of the people should be transported to England to be tried for treason in English courts, to die ignominiously on English scaffolds, or remain to incite their countrymen to righteous resistance, and ultimately, under God, to lead them to glorious independence. Common dangers, common suffering, and common hopes bound their hearts together.

Great and sincere, devout and earnest, loving liberty with a passion that made them forgetful of all else save honor, they assembled in the Continental Congress, in old Independence Hall, and on a day thenceforth enshrined in the grateful heart of man, reverently and heroically put forth the immortal Declaration, "in words the memory of which can never die;" a document which was a beacon light, a star of the morning, to our fathers and mothers through the thick gloom of that long night, and which is destined to lead other nations out of Egyptian bondage; a document so just, so brave, so inimitable in style, so lofty in conception, so full of statesmanship and righteousness that it awakened kings in their luxurious palaces, and made "monarchs tremble in their capitals"; a document which was and is, and

ever will be, the Magna Charta of our liberty, to be cherished with our hearts, to be defended with our arms; a document which has received the homage of the great and good of every land, and should be written in letters of imperishable light to serve as a guide and an inspiration to every people struggling upward into freedom; a document which "should be hung up in the nursery of every king, and emblazoned on the portico of every royal palace."

But that Declaration had to be sustained; and how nobly, how gallantly, with what high and holy resolve did our fathers gather round and uphold it! They felt their great responsibility; they felt that the cause of humanity, the cause of universal freedom, was in their keeping, and with a heroism that rivalled that of ancient Sparta, with an unconquerable courage that laughed at death and faced unflinchingly the dangers of the scalping-knife, pitiless storms of winter, poverty and starvation; with hearts that cowed not in the presence of superior strength and numbers, our fathers drew the sword in freedom's cause, and sustained and cheered by the words of Franklin and Adams and Paine, and marshalled and led by Washington and Putnam and Gates, by Mont-

gomery and Stark and Greene, sheathed it not till at Yorktown's "cloudless day" the stars and stripes floated in triumph over the humbled banner of England, and the thirteen colonies were acknowledged, as they had declared themselves to be, "free and independent states." I love to think that it was then—then if ever—"the morning stars sang together, and all the sons of God shouted for joy."

The patriots who fixed their names to that Declaration, who fought to maintain it, will be cherished as long as there is an American heart to die for the American flag. Their venerable forms rise before us to-day and utter words of warning and encouragement. From wilderness and swamp, from blood-stained snow and entrenchment of death, they seem to speak to us, their children: For your sake we drove the Redcoats back to Boston; for your sake we fought, and the gallant, dauntless Warren fell on Bunker Hill; for your sake we braved the perils of the Wilderness and the storms of Quebec; for your sake we risked our lives amid the drifting ice of the Delaware, and left our blood upon the snows at Valley Forge. That you might enjoy the blessings of freedom the brave Steuben and the immortal

Lafayette unsheathed their swords, and we sacrificed all that was dear to us; that liberty might not perish on this continent we joyfully died. We ask only that you emulate our example, and excel us in wisdom. We demand only that you reverence the Constitution of your fathers, love truth, and practice justice; that you guard jealously your rich inheritance, which, be it remembered, you merely hold in trust, and transmit it improved and unimpaired to those who shall come after you. We enjoin you to show yourselves worthy of freedom by preserving inviolate the precious fruits of the Revolutionary struggle and guiding in the path of justice and righteousness the Nation at whose birth we shed tears of joy, and to sustain which in its infancy we willingly encountered death.

O, great heroes, patriots, martyrs, we hear your words to-day, and, under the same flag you placed in the sky and bore to victory, on the same soil by you dedicated to freedom, we renew our allegiance to the cause made sacred by your sacrifices and your blood.

Not only do our fathers admonish us; the heroes of a thousand battlefields, where liberty has struggled with tyranny, look down today from their portals of eternal light and beseech us to be

true to the principles in vindication of which they died. Nay, more; from every land made sacred by heroism, from every dungeon of agony and death where truth has suffered on the rack for conscience's sake, from the ashes of the martyr and the blood of the patriot, from Marathon and Thermopylae, from Runnymede and Bannockburn, from the graves of Kosciusko and Hampden, from the scaffolds of Sydney and Emmet, comes a voice urging us to be true to our mission, to guard jealously the citadel of our liberty, and to vindicate by our wisdom and moderation and justice the cause of freedom.

My countrymen, can we stand unmoved when thus admonished? Can we be unmindful of the priceless blessing of a land bequeathed to us by our ancestors? Can we close our eyes to the rocks and storms of the future and, nursed to slumber by assurances of perpetual peace, have no solicitude for the ultimate destiny of our country? We should deserve the execration of mankind; we should be ignoble, degenerate children of the patriotic and immortal dead if we thought lightly of their sacrifices, if by sloth and indolence and neglect we jeopardized or lost our heritage, if we failed to appreciate and prize the all-important

position in which Providence has placed us. Great, great and sublime, is our mission, my countrymen—an example of self-government for the whole earth—Liberty enlightening the world!

In laying the foundation-stones of the Constitution under which we live, our fathers builded wiser than they knew. They were animated by no sordid motives, no sectional hatreds, no party animosities. They strove to embody in constitutional form and to perpetuate the principles for which they fought, and their work was one of lofty and disinterested patriotism, marked by concession and compromise. Under its protection, the dreams of the most sanguine patriot have been more than realized. Our infancy is passed, and in the manhood and strength of freedom we invite the scrutiny of the world. We have encountered dangers; we have gone through struggles; we have drunk deep of the bitter cup of National sorrow; but in the darkest hour and wildest storm we have borne aloft as a thing sacred, as the ark of the covenant, the Constitution of our fathers, until the returning and radiant morn of peace and promise has blessed and hallowed it.

That Constitution, purged and purified and rededicated, without blot or stain, freed from dishonor and shame, sustained by deathless valor

and heroic devotion; that Constitution, to which we owe whatever makes us proud of our country, or great or respected among the nations of the earth, stands to-day firm-set and strong in the hearts of a patriotic and united people. And, sir, whatever storms may gather, whatever dangers, internal or external, may menace; whatever difficult questions may arise (as we have cause to believe will arise), calling for profound statesmanship; whatever social problems, charged with restlessness and discontent, may develop and require solution, be assured, be assured, that, with the love of the people, that Constitution is safe—safe beyond the frantic blow of Nihilism; safe beyond the mailed and iron hand of Caesarism; safe beyond the strangling grasp of corporate wealth and greedy trusts.

Fellow-citizens, let me not incur the reproach of over-confidence or National boasting. Let me not seem to arrogate to my country virtues and excellencies she does not possess. Alas! 'tis true, we cannot recall the past to-day without a blush, without a tear. For three-quarters of a century there was a dark blot upon our country's shield, and her flag was not the symbol of universal freedom. But her light, though at times obscured, has been as the star of Bethlehem to all mankind.

In the fierce fire of civil conflict her sins "were burnt and purged away." On land and on sea, in war and in peace, in art and in science, her career has excited the wonder and admiration, if not the envy, of the world.

She has trod the higher paths of fame. For, whatever may have been her military triumphs, whatever of great glory has been achieved on the many battlefields where the stars and stripes were endangered, whatever of imperishable renown is inseparably united with the names of her chosen military chieftains—in the Revolutionary struggle, in the War of 1812, in the brilliant successes in Mexico, in the dark and unhappy days of 1861-65—her greatest and grandest conquests have been those of peace, and her eyes have ever been directed, her footsteps have ever led to a higher plane of National life, toward equality, liberty and light. The story of her heroic birth—the unparalleled rapidity of her development, her struggles and triumphs, her sorrows and magnanimity—fills the most illustrious pages in the annals of man, pages over which future generations and a grateful posterity will linger with delight.

Think you the Pilgrim Fathers, as they knelt down upon the icy rock of Plymouth to give thanks to God for their deliverance, think you the

patriots who subscribed to the Declaration that has thrilled or hearts, dreamed of this glorious day, or clearly foresaw the greatness of the Nation they were privileged to found? Think you the enthusiasts of the Revolution—the Warrens, the Allens, the Franklins—forecast the majestic strides their country would take, her deeds of valor and glory, her mighty achievements in the name of peace? What was, at most, a patriotic hope, an undefined dream, is now, by the blessing of heaven, a glorious reality, a sunlit fact.

We have a Nation, "one and inseparable," a Constitution vindicated and supreme; a Nation strong enough to protect the humblest, lowliest man entitled to its care; a Nation dear enough to the American heart to call to its defense the sublimest examples of modern patriotism; a Constitution grand and generous enough in scope and design to receive the admiration of mankind and be a model for all self-governments; a Constitution under whose wise adjustment of powers and divine protection a people of seventy million hearts are marching forward hopefully and proudly, bearing aloft the banner of heaven's stars, and keeping step to the glad and soul-stirring music of union and liberty. Yes, we have a Nation, one supreme Nation, not a miserable confederacy of

States bound together with ropes of sand—a Nation spanning a continent, to be proud of and to be cherished, dearer at this hour because of the sacrifices of precious blood and treasure made in its behalf, stronger and more enduring than the bayonet-supported thrones and monarchies of the Old World. Yes, we have a Nation that stands to-day clad in the gorgeous robes of freedom, the wreath of past achievements on her brow, the light of future glory in her eye; a Nation beneath whose banner—praise forever be to immortal and celestial Lincoln—no slave crouches, no human being toils unrequited, no serf wears the degrading galling yoke of caste; a mighty Nation,

Dear for her reputation through the world,

Great, powerful, intelligent, free, the flowering of man's highest aspirations, the hope of the earth.

But let us not unduly indulge ourselves in self-laudation. Let us not be blind or indifferent to the dangers that threaten. Let us realize our weakness as well as our strength. Let us seek the wrong, that it may be righted. Let us observe the rock, that it may be avoided. Is he alone the patriot who flatters and boasts and fawns, who sees evils and dare not attack them, who sees vices but dare not expose them? Our government has defects—no work of finite or fallible man is

perfect; naught save the direct emanation of Divine wisdom is without flaw; but where upon the face of the earth is there a form or system of government that vouchsafes to its children more of the rewards of labor, more of the blessings of peace, than our own Constitution, moulded and fashioned into symmetry and utility by the immortal fathers of the Republic?

Fellow citizens, in spite of the ills and imperfections and burdens necessarily incident to all forms and systems of government, we have abundant cause to rejoice, to give thanks to God that we are Americans, and are permitted to share in the protection and glory of that blessed banner. Let the Italian be proud of the land where Cicero spoke and Horatio fought, and in latter days the patriot, Garibaldi, strove for equality and liberty. Let the German love the Rhine and the Frenchman the Seine, and each recount his country's deeds of valor and glory. Let the Switzer exult among his native hills, where Liberty has gathered her children about her, lo! these many centuries. Let the Englishman recall the mighty names that adorn and shed unfading luster on his country, and fondly dwell upon Britain's triumphs on land and sea. Let the Irishman cling affectionately to his own Green Isle—the victim of misrepresenta-

tion and tyranny, but valiant and undaunted—and glory in her immortal sons, who, in poetry, oratory, and science, in camp, in forum, and on the scaffold, have achieved undying honor for their unhappy country. But let not the children of America—of Columbia—forget that they are the inheritors of heroic and immortal men and women who died for principle, who gave up life for liberty; that they live in a land which, in its short career, has championed every great struggle for human equality, and filled the eighteenth and nineteenth centuries with a blaze of true glory; a country which has produced and given to the world and fame forever some of nature's grandest and loftiest types of character, some of the greatest, though uncrowned, noblemen, some of

——— the few,
The immortal names that were not born to die.

Recognizing great worth and exalted virtue, bowing before masterful genius and sublime attachment to duty and country in whatever land it has pleased heaven that they should dignify and uplift the human race, let the children of America on this, the jubilee of liberty, proudly remember that their country has produced men great in all realms of intellectual activity, great in literature,

in scientific pursuits, and in the useful arts, great in enlightened charity and in humanitarian philanthropy, great in war and surpassingly great in peace, and great in a comprehensive and prophetic statesmanship that has steadily foreseen and accurately forecast the high destiny of this Republic. Let us proudly remember that our annals are covered all over with names that honor the land of their birth and the human race—of inventors, poets, painters; of orators, patriots, statesmen. Let us proudly remember that our policy has been upward and onward toward individual freedom, the policy of peace and ultimate righteousness. Let us remember, and as an inspiration to our youth recall, that America has lifted up the fallen, dignified labor, and crowned honest toil with highest honors. Let us remember that she has not only preserved liberty of conscience and of speech; that she has not only opened wide the doors of preferment to the deserving ambitious; that she has not only taught great political truths and exemplified principles all-important to the happiness of man; that she has not only enriched the intellectual and material world, but that she has stood, and now stands, calm, hopeful, puissant, an example and an inspiration to all the struggling and

aspiring and liberty-loving sons of man. Sir, this and more America has done; this and more she is, and her future holds in store triumphs and glory unequalled by her marvelous past.

Ye who sneer at our institutions and call us a nation of boasters; ye who say our Constitution is all sail and no ballast and our vaunted liberty the unbridled license of a mob; ye who magnify present ills and forget our many blessings, can ye show us a land where there is more political equality, more comfort and happiness among the people, more justice dispensed, more charity bestowed? Can ye point us to a nation where labor receives a better reward or higher honor, where there is more toleration, more freedom of conscience, more liberty to think, to speak, to act, more protection to life and property? Ye of my own land, ye pessimistic philosophers, doubting the present and distrusting the future; ye inflamed and bewildered toilers, the dupes of the demagogue and so-called reformer; ye ungrateful refugees from tyranny coming hither to this land of opportunity and plenty to raise the red flag of anarchy; ye recreant Americans, fawning upon foreign royalty, disparaging your own country, apologizing for her untrammeled freedom, and cringing before decaying and tottering thrones—can ye think to-

day of Washington, Jefferson, Jackson, Lincoln, without emotion? Can ye think of Webster, Marshall, Clay, and Baker without pride? Can ye recall the names of Warren, Wayne, Scott, and Grant without patriotic fervor? Can ye recall the victories of Jones, Perry, Lawrence, and Farragut without gratitude and exultation? Can ye consider the gifts of Fulton, Whitney, Howe, and Edison without thanksgiving? Can ye think of Francis Scott Key, whose harp "strung with Apollo's golden hair" and touched by the hand of genius, wakened music that can never die, without a throbbing heart? Can ye look around and about you and see on every hand poor boys rising to high and honorable stations, a people on the whole well-fed and comfortably clothed, art and science united with peace and prosperity, our industries fostered and multiplying, our commerce expanding, millions of acres of our fertile domain waiting the hands of labor—can ye think of all this and contemplate all this and then falter, or doubt, or denounce, or disparage, or feel otherwise than grateful to God that ye are sharers in all this glorious past, partakers of all this fruitful present? Sing hosannas to Victoria, greatest and best of Queens; but sing hosannas in the highest to Columbia, daughter and protector of liberty!

"Ah," we may justly exclaim in the eloquent

words of Daniel Stevens Dickenson, "what government has so protected its children, so ennobled man, so elevated woman, so inspired youth, so given hope and promise to budding childhood, so smoothed the descent of dreary age; has so guarded the freedom of conscience, so diffused intelligence, so fostered letters and arts, so secured to all 'life, liberty, and the pursuit of happiness' ?"

But self-government, fellow-citizens, is no new system, and is subject to the dangers that threaten all organized society. Antiquity, burdened with tears and woe, is strewn with the ruins of republics, and over the fallen, crumbling monuments of ancient liberty grow the moss and trailing vine. Nor is freedom in itself enough; freedom, to be a blessing, must bring about organized government, law, order, justice, means of defense from without, means of security from within; otherwise freedom means anarchy, where physical might tramples ruthlessly and with impunity upon right, and weakness and innocence fall a prey to the rapacity and greed of strength and avarice. In the beautiful and thoughtful words of the great Charles Sumner, "gaining liberty is not an end, but a means only, a means of securing justice and happiness, the real end and aim of States as of every human heart."

Let us, therefore, upon this thrice-hallowed occasion, when every true American should seek his country's good, bear in mind and cherish this great truth, attested by the experience of ages, that self-government is impossible, yea, undesirable, where ignorance and licentiousness and moral depravity rule; that intelligence, justice to all before the law, and absolute equality of public burdens, can alone preserve to a people its liberty and lead it in the pleasant paths of peace and prosperity. This truth, also, let us bear in our minds and write in our hearts, that liberty without just and equal laws, fairly and honestly administered, degenerates into license worse than slavery, into anarchy worse than despotism, and that liberty without intelligence and character can secure no blessing, no permanency, no glory for our beloved country. Remembering that from the different races of the earth we are forming one society, one National character, under one set of laws, and bearing in mind that under our system the people are the source of power, the fountain of all authority, the only sovereign, and the final arbiter of our domestic and foreign policy, I do most potently believe that our stability, our greatness, our perpetuity, our glory, depend not upon standing armies, not

upon navies, "not cities proud, with spires and turrets crowned," but upon the general diffusion of intelligence and political knowledge among our people, upon a right understanding and a corresponding appreciation and discharge of the duties and responsibilities of citizenship.

Ignorance is Egypt; knowledge, Athens. Ignorance is darkness; knowledge, light. Ignorance is weakness; knowledge, strength. Ignorance binds the shackles of slavery around the limbs of man; knowledge places on his brow a kingly crown and in his hand the scepter of a conqueror's power. So believing and so feeling, I cannot refrain from urging upon you, as worthy of your jealous care and anxious solicitude, that magnificent system of public school education which, though imperfect and susceptible of improvement, is the pride of our country, the crowning glory of our republican institutions, the safeguard better than standing armies around the Constitution and liberties of this great people—schools where the rich and poor meet on a common level and daily learn the needful lessons of equality of rights and equality of privileges—schools out of which have gone and will go the Nation's sturdy strength and unfaltering hope—schools wherein are trained the soldiers to march and win

battles and be crowned with laurels of victory in the ranks of peace. In these schools let not only abstract truth, morality, and the various handicrafts be taught; let love for that blessed banner, patriotism, loyalty, be inculcated; let the fundamental and eternal and realized principles and truths of the Declaration of Independence be written on the heart and engraved on the mind of youth; let our form and system of government be made a leading branch of instruction, and the opportunities it affords to deserving industry and laudable ambition be pointed out, so that the rising generation, proud of their country and grateful for their heritage, may come more fervently to love the land of their birth or adoption, and to practice those virtues in the administration of public affairs which alone can render their country respectable among the nations of the earth.

Fellow-citizens, the hope of this blessed land, this garden spot of liberty, rests with the young hearts that beat to-day with deep and unutterable emotion. As they stand upon the threshold of the future over which heaven has placed the bright bow of promise, let them be taught the duties and responsibilities of citizenship, the rights of honest labor, the rights of honestly acquired capital, and let the awful dangers be

vividly portrayed that must inevitably befall this country, their country, by the development of opposing and antagonistic classes, from the lack of homogeneity—the lack of common hopes and lofty, pure, self-denying, and disinterested patriotism. Teach your children, O patriotic fathers and mothers of America, that it is far easier to be a slave than a free man; that a republic is no natural system, "exempt from mutability and decay"; that they who would preserve a government must love it. Read to them the sad and melancholy epitaphs on the tombs of Greece, Rome, and Carthage and other republics that rose to splendor and glory to sink into degradation and ruin—and teach them the lessons and philosophy of history. Let them be taught that in this country labor is honorable; that white and delicate hands are not the sign of a manly soul, and that uprightness of character and purpose, devotion to truth and justice, make a man and a woman, as well as a nation, worthy of freedom. Teach them that beneath that flag all men are free; that in this land there shall be absolute freedom of religious opinion; that no slave shall toil on Columbia's soil; that the loftiest mansion and the lowliest hut must be protected; that honest labor must receive its just reward; that honest capital must be secure in all its

rights. Teach them that this is a land of liberty and order, not of license and anarchy; that American citizenship is a badge of honor, a shield of protection, and should be conferred upon only those who are worthy of it. Teach them to respect and obey the law, our only master, our only superior, of which it has been grandly said: "Her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, the greatest as not exempted from her power." Teach them that an honest and uncorrupted ballot-box is the palladium of our liberties, and that he who defiles and pollutes it is recreant to his trust, false to his heritage, and a traitor to his country. Inculcate and nourish and foster in the hearts of youth a filial reverance for the Constitution of their fathers, as the sheet anchor of their hope, as the perennial fountain of all their blessings, and inspire them with even a livelier and profounder appreciation of the liberty and government bequeathed to them by the immortal patriots whose virtues and achievements we recall and celebrate to-day with gratitude and joy.

My countrymen, a nation's enduring strength and lasting fame are based on character; a nation's truest grandeur and highest glory rest on

justice. Hath it not been said by inspired lips: "Righteousness exalteth a nation"? A government of the people and by the people must receive from the people whatever makes it respected at home or honored abroad.

A decay of individual character precedes and is inevitably followed by a decay of the State. "Woe to the country," said Metternich, the Austrian statesman, "woe to the country whose conditions and institutions no longer produce great men to manage its affairs." The grave and far-reaching problems that confront us to-day call for the highest order of statesmanship. And, sir, what this nation needs is great men—men great in truth, in private honor, in public virtue, great in their attachment to duty wherever it leads, great and constant in their patriotism, and great in their devotion to that cherished banner and to the principles of liberty and union of which it is the glorious symbol. I repeat that what this Nation needs, and will ever need, is men, high-minded men—

Men whom the lust of office does not kill,
Men whom the spoils of office cannot buy,
Men who possess opinions and a will,
Men who have honor, men who will not lie,
Men who can stand before a demagogue
And damn his treacherous flatteries without winking,
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking,

Men with no higher aim, no loftier purpose than to serve their country and in their day and generation contribute something to her stability and her glory.

Let us rejoice, O my countrymen; let us lift up our voices in thanksgiving. Behold! Peace blesses our Nation. From Lakes to Gulf, from Plymouth Rock, where Freedom's weary foot found rest, to Golden Gate, upon whose shores the fruitful sea chants an eternal hymn to liberty, all is peace. In the mouth of cannon doves have built their nests; the swords that flashed victory in the morning light hang rusting in their scabbards, and over the fields once red with fratricidal carnage creep and bloom the vines and flowers.

Splendid as has been our progress, our golden age is before us. We are marching forward with gigantic steps. Bright and dazzling visions of future glory cheer us. The eye of the world is upon us, the hope of mankind is in our keeping. Wheresoever to-day there is a wounded and bleeding heart; wheresoever there is a broken and oppressed spirit; wheresoever there is a patriot, a lover of his native land, crushed beneath the despotic heel of arbitrary tyrannic power; wheresoever man, weary and heavy-burdened, gropes in darkness and pines for

liberty;wheresoever there is a failing and longing eye looking away to this dear and thrice-blessed land of peace and promise; wheresoever on the face of the earth there is a man who loves liberty under law and believes in constitutional government, ascends to-day a prayer for us, for us and for our children. Heaven has blessed us with a land of seemingly inexhaustible resources; but a wise, patriotic, and far-seeing policy will preserve, strengthen, and adorn—not squander—this rich heritage of freedom. Our cause is peace—peace at home, peace with all nations—but not peace at the sacrifice of National dignity or honor—not peace without protection in all his rights to the poorest, lowliest citizen who seeks the shelter of that banner wherever it waves.

Great problems of government, of administration, involving the proper development and preservation of our natural resources, the judicious fostering and encouragement of our already varied industries, the revival of domestic trade and the expansion of our foreign commerce, the prosperity and happiness and perhaps the perpetuity of our country are pressing upon us. Oh, let us not fail. Let not the struggles of our ancestors be in vain. Let not the holy cause of freedom suffer in our hands. Oh,

let not the sacred shades of the immortal dead censure us; let not the sad lips of a disinherited posterity reproach us for dereliction of our high duty to God, to truth, and to country. Rather let it be proclaimed in distant ages: They excelled their fathers in love of liberty and in fidelity to the Constitution, and transmitted to grateful chil-ren the flag and the Union of Washington. "The past at least is secure," and as for one I face the present with confidence, I turn my eyes to the future with unfaltering hope, with a hope born of an unwavering trust in the patriotism of the people, and an abiding faith in the genius of American statesmanship.

It is time, fellow-citizens, this humble and unworthy but loving tribute to our ancestors and to free government were spoken. If, in contemplating her material grandeur and reflecting upon the countless blessings she has conferred on man, I have spoken of my country, not with the "cold neutrality of an impartial judge," but in the warmer language of the enthusiast; if in again presenting her claims to your affections and your loyalty I have seemed unconscious of the blots that may have marred or dimmed her true glory, unmindful of her faults or indifferent to her shortcomings, it is because, upon this hallowed day,

when recounting her struggles and triumphs and gifts, "I love to forget the accuracy of a judge in the veneration of a worshipper and the gratitude of a child."

No, my countrymen, patriotism is not dead. The mighty voices of other and heroic times are heard to-day. The glad and inspiring music of old Independence Bell is still ringing. The cannon of Lexington and Bunker Hill reverberate throughout the land. The anxious eye, the heaving breast, the universal joy, the myriad lips that make the vault of heaven vocal with songs of gratitude and praise, all, all attest, all proclaim that patriotism neither slumbers nor grows cold in the American heart.

Yes, yes, intrepid and venerated Adams, you and your illustrious compatriots did make the Fourth of July "a glorious, an immortal day." We do "celebrate it with thanksgiving, with festivity, with bonfires and illuminations." We do "shed tears, copious, gushing tears, not of subjection and slavery, not of agony and distress, but of exultation, of gratitude, and of joy." And so long as the heavens bend above the earth; so long as the sun in his sinking burnishes yonder waves with crimson gold; so long as man has aspirations for light and liberty and rejoices in the works of

peace and virtue; so long as there shall survive an American heart to beat to the transports of a pure and lofty patriotism or reverently to approach a temple where your names shall be enshrined; so long may the Declaration you made be revered; so long may the Flag you raised to the sky float over a united, a happy, a righteous people; so long may the Constitution you framed be held sacred; so long may the Union you founded be cherished and remain, under God, undivided, unshaken, triumphant, the home and refuge of freedom forever!

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INTERSTATE COMMERCE.

SPEECH

OF

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HON. LELAND STANFORD,

OF CALIFORNIA,

IN THE

UNITED STATES SENATE,

APRIL 26, 1886.

WASHINGTON:
1886.

INTERSTATE COMMERCE.

SPEECH

OF

Hon. LELAND STANFORD,

OF CALIFORNIA.

The Senate, as in Committee of the Whole, Monday, April 26, 1886, having under consideration the Bill (S. 1532) to Regulate Commerce.

Mr. STANFORD said:

Mr. President, I desire to occupy the attention of the Senate briefly in explanation of what I believe to be the principles involved in the bill under consideration.

This bill purports to be an act to regulate commerce between the different States. I have read it with a good deal of care and I do not find anything in it that regulates commerce. Everything in it is as to the carrier only. The word commerce has a well-defined meaning. It means trade, barter, interchange of commodities. with which the carrier in the transaction of his legitimate business has no concern whatever. I therefore think the title of the bill ought to be changed to express its true meaning, and, instead of reading, "A bill to regulate commerce," it should be, "A bill to regulate carriers."

If it were a bill to regulate shippers and owners, whose material the carrier moves, the title would be more appropriate. I may be told, perhaps, that there are judicial decisions that the regulation of the carrier is the regulation of commerce, but here when we propose legislation it is entirely legitimate

to discuss the question as to the original matter and to determine it upon the principles which seem to be involved. There is a great difference between the possession of a power and its exercise.

Of course the Constitution plainly gives Congress the right to regulate commerce between the States. But as the carrier has nothing to do with the control of the shipment of goods, wares, and merchandise, with their ultimate disposal or destination, therefore regulating him or determining the price he may receive for his services can have no relation in determining the commerce between States. As a national question why should the price fixed for carrying freight across a non-physical line between the States be different from what is charged for the same service on either side of that line? Would it not be making of our State lines more or less obstacles to free intercourse? Would it not be converting every State line into something very nearly akin to a frontier? What do my friends say who have been always so anxious to claim that we are of right one great family with free business intercourse between ourselves; and what do my State rights friends say to the General Government interfering and controlling their local institutions?

It has been said that the right to regulate the railroad carrier is peculiar in that the corporation operating the railroad is the creature of the State.

If there is anything in this argument it can not apply here in Congress, as Congress has had nothing whatever to do with creating the corporation. Its existence is entirely by virtue of State laws and has under those laws the right only to operate within the jurisdiction of the State. Of course I except some Pacific roads.

It is pertinent for us to inquire into the wisdom of this kind of legislation, assuming that the authority for it exists. The right of association is a natural one and it is the duty of the National and State Legislatures to aid that natural right, and that I contend is what legislation by the various States

providing for the incorporation of railroad companies has done. The incorporation is made by individual incorporators as much so as a partnership between individuals is established by the partners themselves. The character of railroad investment as compared with others is set forth by the fact that States can and do exercise the right of eminent domain in order that railroads may be constructed.

The State can not exercise this right for the benefit of the railroads. It only exercises it because the investment is of that peculiarly beneficial character to the public that it may be said to be a public good. The rule is, moreover, that the railroad companies must pay individuals deprived of the control of their property under the right of eminent domain whatever may be the value of that property. The State pays nothing.

Now, then, if the investment in railroads is so beneficial to the public, why should not the investors be permitted to reap the same full rewards of the wisdom of their investment and of their industry and the management and direction thereof as though the same capital, the same wisdom, and the same industry had been employed in a business so much less important to the interests of the State that the State could not, if solicited, exercise the right of eminent domain in its behalf?

In discussing this question of the right to regulate railroad fares and freights in a manner which will necessarily impair the earning capacity of these roads we should not forget that the investments were made by individuals. If the railroads are so important to the public, surely these individual investors ought not to be discouraged by the apprehension that the value of their investment may be lessened by adverse legislation.

Furthermore, inasmuch as labor enters very largely in the construction of railroads, and continues in their operation, any attempt on the part of Congress to fix the rates of railroad companies tends to fix the price of labor.

Further, in all these efforts at regulation I find no protection to the railroad companies, no guarantee against impairment of income. Therefore if legislation interferes to decrease income surely the value of the property is affected to the extent of the diminution of the income. This is taking property without compensation. It is confiscation.

I think there never has been a bill introduced into any Legislature purporting to regulate railroads against which the owners of the roads did not find occasion to protest on the ground that it diminished the income-producing quality of their property.

Now, then, the investment being a legitimate one, and a desirable one, as is established by the exercise of eminent domain not in behalf of the railroad company, for the State has no right to do that, but in behalf of the people, and the State being justified in regarding railroads as public benefits, why should they after their completion have less protection from the laws than other property, or why should they be made the objects of direct and injurious legislation? And in this connection I think it proper to remark that railroads have no legal monopoly of business, since they have no exclusive privileges.

Practically this bill denies to the various railroad companies the right of competition. It precludes the shippers from reaping their rightful advantage of competition, and causes to them and to the railroad companies absolute loss. If the low rates for the long distance mean a reduction for the shorter, the carrier must submit to a loss from the usual rates on the shorter distance, or else abandon the business at the competing points.

Under the force of competition the carriers are often compelled to take business over their roads long distances at a lower rate than they receive for shorter distances. No railroad company would do this if the rate to be charged was a matter under its control.

For this reason rates are oftentimes below the average

cost of transportation, and freight of a low value in the market is often moved at less than average cost. Low rates, if they pay anything above the direct expenses consequent upon movement, aid to sustain the railroads and the better enable them to move the traffic at non-competing points. Railroad companies cannot ignore the various circumstances that establish competition, much of which depends on the geographical condition of the country. The shipper for a short distance is not charged more, but the shipper for a long distance is charged less because the carriers cannot help themselves.

All will admit that no legitimate enterprises should be discouraged, particularly those that add most to the convenience and comfort of the people, and to the wealth, strength, and dignity of the nation.

CAL.

CO-OPERATION.

SPEECH

1898.

OF

HON. LELAND STANFORD,

OF CALIFORNIA,

IN THE

UNITED STATES SENATE,

FEB. 16, 1887.

WASHINGTON:
1887.

CO-OPERATION.

SPEECH

OF

HON. LELAND STANFORD,

OF CALIFORNIA.

The Senate, Wednesday, February 16, 1887, having under consideration the bill S. 3022—a bill to encourage co-operation and to provide for the formation of associations in the District of Columbia for the purpose of conducting any lawful business and dividing the profits among the members thereof—Mr. STANFORD said:

MR. PRESIDENT: The bill which I have introduced (Senate Bill No. 3022) provides for the association and organization of individuals with or without capital. It gives no exclusive privileges, and is intended only to aid the natural right of association.

In a large sense, civilization itself rests and advances on the great principles of co-operation. The industries, the thoughts, the great ideas which produce vast and beneficial results, find their full development in association. Thus the discoveries in art and in science are distributed or availed of; and they inure to the benefit of the whole community—often to the whole civilized world.

CO-OPERATION STRENGTHENS THE WEAK.

So the organization of individuals for a common purpose gives the strength, the capacity, of the ablest to all in the association. The weakest, and the one of the least capacity, is brought up in advantages to the level of the best. The result of this association is to bring the individuals of the association closer to the entire fruits of their united industries. With a greater intelligence, and with a better understanding of the principles of co-operation, the adoption of them in practice will, in time, I imagine, cause most of the industries of the country to be carried on by these co-operative associations. The co-operation of individuals in kindred pursuits would have the effect of furnishing, from their variety of labor, continuous employment. Thus a combination of men could even do farming,—rendering for hire their services to the farmers,—and might find that continuity of labor so important to the laborer and conducive to the maximum power of production which arises from constant employment.

PROPERTY DEPENDS ON PRODUCTION.

A country's prosperity must always mainly depend upon its power of production. This is to be brought about by the most intelligent direction and application of labor. Abundant illustrations might be given to show that the value of the labor of an individual, like the wealth of the country, will depend upon the power of production. The most notable example of this is to be found in the production of wheat in Egypt, in India, and in America. Wheat is raised in all these countries to compete in the same market—England. The compensation to the laborer on the banks of the

Nile is a red radish; in India, about five cents a day. In my own State, California, the harvester receives $2.00 per day—forty times as much as his competitor receives in India. Now, these comparatively high wages could not be paid except upon a comparatively large production. The man in California receives forty times as much for a day's labor as a man in India; or the wages of one man in California equal those of forty men in India. And yet he competes successfully because he avails himself of the genius of inventors—cuts and threshes and puts into a sack a hundred pounds of wheat for a cent and a half.

THE LAW OF COMPENSATION.

And so in every other field of labor the compensation will always be in proportion to the production. The earth yields abundantly, through labor, to supply the wants of mankind. Her yield of supplies for the necessaries, the comforts, the elegancies, and the splendors of life are only measured by the amount of intelligent labor that is applied to the cultivation of the soil, to the working of mines, of quarries, and of forests and their products; and if there is want among the provident and industrious it must be for the lack of the intelligent direction and application of labor. How far these wants may be supplied by legislation is a problem; but I believe much aid may be given.

In the history of nations, want of the commonest necessaries has been the rule. Hitherto governments have been founded in force, maintained in force, and the principal thought has been to increase the force, or to so organize it as to preserve the government. Hence the large standing armies of Europe to-day. The theory of our Government

is that it was instituted for the benefit of the people; that there are inalienable rights—rights which are superior to constitutions and laws, securing the individual in his rights of liberty, property, and the pursuit of happiness, even to the extent of commanding the support of every other citizen in the whole country. These great principles, securing the freedom and the rights of the individual, insure to us forever a free government so long as the intelligence of the people is adequate in appreciating the principles upon which their government is founded. Hence we need no great standing armies to overawe and menace the people; and our time and thoughts can be directed to their general development and to improvement in their condition.

It is in the hope of strengthening and developing the intelligence and the productive power of the individual without capital, or with but little, that I have introduced this bill, believing it to be one great step towards attaining the highest possibility of abundance of the necessaries and comforts of life for every industrious and provident individual.

THE VALUE OF CO-OPERATION.

I believe that co-operation will bring out the highest capacities of those engaged in it. It will impart to each individual the stimulus of knowing that he or she may enjoy the full fruits of his or her skill and energy in their calling. In those countries where there is the most intelligence there is the greatest use made of labor-aiding machinery; and where this labor-aiding machinery is used most, as in our own country, there the compensation of the laborer is the largest. Even in Europe those countries that make most use of labor-aiding machinery have the best compensation for their labor.

Occasionally there is evidence of apprehension that labor-aiding machinery may deprive the laborer of the demand for his services; but any apprehension of that kind must readily disappear with the reflection that the wants of humanity are as boundless as the intelligence and capacity to conceive. With the ignorance of the Digger Indian there are few wants; no intelligence to conceive, and the demand for the labor supply of others is of the most limited kind. The more intelligent the people the greater are their wants, and with those increased wants the greater the demand for labor; and, in the universality of labor, the greater the capacity of individuals and communities to make exchange of their productions.

THE REMOVAL OF NON-PRODUCERS.

I have the hope and the faith that the principles of our Government, of our great bill of rights as set forth in the Declaration of Independence, will yet pervade the whole civilized world; and as these ideas are adopted, and as they expand into the control of governments, so will disappear great standing armies; non-producers will be changed into fruitful producers, adding to the comforts and happiness of humanity. Then the principal attention of the governments will be directed towards developing the arts of peace, and making humanity more happy.

In proposing the passage of a law of this kind, there is in it only an extension to persons without capital of the provisions that have existed heretofore in the laws provided for the association of those with capital. There is no invasion of the principles of association which have, happily, done so much in the development of the resources of our country and proved such a stimulus to its industry.

The principle of co-operation of individuals is a most democratic one. It enables the requisite combination of numbers and capital to engage in and develop every enterprise of promise, however large. It is the absolute protection of the people against the possible monopoly of the few, and renders offensive monopoly, and a burdensome one, impossible. The only possible monopoly with these laws in existence is one of beneficence, and to the extent that the wants and condition of the people can be better supplied than by any other means. So far, only, can there be a monopoly in our country under these laws of co-operation.

THE ADVANTAGES OF CO-OPERATION.

One of the great advantages of association of this kind is that in case of disagreement, death, or failure of individuals, the organization goes on; and in this respect it is freed from the disadvantages of an ordinary partnership. Besides, the diverse capacities of the different individuals, whatever they may be, unite to make up a great whole of strength and of large capacity.

One of the difficulties in the employment of women arises from their domestic duties; but co-operation would provide for a general utilization of their capacities and permit the prosecution of their business, without harm, because of the temporary incapacity of the individual to prosecute her calling. And if this co-operation shall relieve them of the temporary incapacity arising from the duties incident to motherhood, then their capacity for production may be utilized to the greatest extent.

Very many of the industries would be open to and managed as well by women in their co-operative capacity as by men.

The moral influences of co-operation are very great. All in the organization are interested in the welfare and good conduct of every other member. All the good influences of the whole are brought to bear in favor of the individual, and all the individual members unite to make the whole most powerful for the accomplishment of results.

The Bill is as follows:

49TH CONGRESS,
2D SESSION.

S. 3022.

IN THE SENATE OF THE UNITED STATES.

Mr. STANFORD introduced the following bill; which was read twice and referred to the Committee on the Judiciary.

A BILL to encourage co-operation and to provide for the formation of associations in the District of Columbia for the purpose of conducting any lawful business and dividing the profits among the members thereof.

Whereas the right of association for any lawful purpose is a natural right; and

Whereas the exercise of this right enables persons of small means or whose only capital is labor to combine such means or labor in a common enterprise and bring to it the strength of the whole, and the intelligence of all; and

Whereas the passage of liberal laws relating to the mode and manner by which co-operative associations may be formed, and defining the rights and duties of the members thereof will encourage the formation of such associations, and give the incentive to industry which comes from a knowledge that its fruits will be secured to the worker: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any two or more persons may associate themselves together in the manner prescribed by this act for the purpose of conducting any lawful business, trade, or occupation, or for any purpose for which individuals may lawfully associate themselves.

SEC. 2. That any two or more persons desiring to associate themselves together for the purpose aforesaid shall prepare articles of association, which articles shall set forth—

First. The name of the association.

Second. The purpose for which it is formed.

Third. The place where its principal business is to be transacted.

Fourth. The term for which it is to exist, not exceeding ninety-nine years.

Fifth. The number of the managers thereof, and the names and residences of those who are appointed for the first year.

Sixth. The amount of moneyed capital, if any, and the number of shares into which that capital is divided.

Seventh. If there is no moneyed capital, then the amount and kind of property which the associates devote to the enterprise, and the interest of each therein.

Eighth. If there is neither a moneyed capital nor other property devoted, but the labor alone of the associates is in the first instance combined, then the amount of labor to be performed by each, the terms upon which it will be performed, and what percentage of the net proceeds of such labor shall be reserved to the association as capital for future operations.

Ninth. If moneyed capital and other property is combined, then the amount thereof and the kind of property, and the share or interest of each therein.

Tenth. If labor be combined with either moneyed capital or other property, or both, then the share or interest of each therein, the amount of labor to be performed by each, the terms upon which it will be performed, and what percentage of the net proceeds of such labor shall be reserved to the association as capital for future operations.

SEC. 3. That the articles of association hereinbefore provided for must be subscribed by the original associates and acknowledged by each before any officer of or in any State or Territory of the United States having a seal and authorized by the laws of such State or Territory to take and certify acknowledgments of conveyances of real property.

SEC. 4. That the articles of association so subscribed and acknowledged must be filed for record and recorded in the office of the recorder of deeds for the District of Columbia, which officer must, upon the filing, make and deliver to the associates, or their agent, a certified copy thereof, noting on the same the day and hour of its issuance, from which time the association shall be complete and it shall have and exercise all the power for which it was formed.

SEC. 5. That a copy of any articles of association filed in pursuance of this act and certified by said recorder of deeds shall be received in all courts and other places as prima facie evidence of the facts therein stated.

SEC. 6. That every association formed under this act must, within ninety days after filing the articles of association, adopt a code of by-laws for the government of the association, not inconsistent with the Constitution and laws of the United States. The assent of members representing a majority of the capital stock or property subscribed, if there be a capital stock or property subscribed, or a majority of the associates, if there be no capital stock or property subscribed, shall be necessary to adopt by-laws.

SEC. 7. That any such association may, by its code of by-laws provide for—

First. The time, place, and manner of calling and conducting its meetings.

Second. The number of members of the association which shall constitute a quorum.

Third. Voting by proxy if it is so desired, and the mode and manner thereof.

Fourth. The number of managers, the time of their election, their term of office, the mode and manner of their removal, and the power and authority thereof.

Fifth. The compensation, if any, of the managers.

Sixth. The number of the officers, if any other than the managers, and their tenure of office.

Seventh. The mode and manner of the transfer of shares and the succession in membership.

Eighth. The restriction, if any, upon the transfer of shares, membership, and rights in the association, and the limitations as to the amount of interest to be held by any one or more of the associates.

Ninth. The mode and manner of conducting business.

Tenth. The mode and manner of conducting elections.

Eleventh. For assessments upon the moneyed capital subscribed, if any, or for the installments to be paid at stated periods, or for work to be done; the mode and manner of enforcing the payment of such assessments or installments, or doing work, or for forfeiting or selling the shares or interest of any member of the association delinquent for such assessments, or installments, or work.

Twelfth. Such other things as may be proper to carry out the purpose for which the association was formed.

SEC. 8. That the by-laws adopted must be signed by a majority of the associates and recorded in a book to be kept in the office of the association, and a copy of such record, duly authenticated by the seal of the association, if any, and signed by the keeper of such record, must be filed in the office of the recorder of deeds of said District. The by-laws may be repealed or amended or new by-laws may be adopted, at any meeting of the associates, by a vote of members representing two-thirds of the capital stock, if any, or two-thirds of the property devoted to the enterprise, if any, or if labor alone is devoted to the enterprise, then by two-thirds of the persons composing such association; and the amendments, revisions, and new by-laws shall be recorded and filed in the manner provided for recording and filing the original.

SEC. 9. That every association formed under this act shall have power—

First. Of succession by its associate name for the period of ninety-nine years.

Second. To in such name sue and be sued in any court.

Third. To make and use a common seal and alter the same at pleasure.

Fourth. To purchase, hold, and convey real and personal property, as the purposes of the association may require.

Fifth. To appoint such subordinate officers or agents as the business may require, and to allow them suitable compensation.

Sixth. To admit associates, and to sell or forfeit their interest in the association for the purposes of paying assessments or in default of installments or of work or labor required.

Seventh. To enter into any obligations or contracts essential to the transaction of its affairs or for the purposes for which it was formed; but such association shall not have power to issue bills, notes, or other evidences of debt, upon loans or otherwise, for circulation as money.

Eighth. To do all other things proper to be done for the purpose of carrying into effect the objects for which the association is formed.

SEC. 10. That two or more associations formed and existing under the provisions of this act may be consolidated one with the other, upon such terms as may be agreed upon in writing by members representing two-thirds of the capital stock, if any, of each association, or two-thirds of the property, if any, of each association, or if neither capital stock nor property, then two-thirds of the members of each association, in which case articles of consolidation shall be prepared and filed in the same manner and form as the original articles of association, and with like effect; and from and after the filing of such articles the associations comprising the component parts of the consolidated association shall cease to exist and the consolidated association shall succeed to all the rights, duties, and powers of the component associations, and be possessed of all the rights, duties, and powers prescribed in the articles of the consolidated association, and shall be subject to all the liabilities and obligations of the associations component parts thereof.

SEC. 11. That all associations formed and existing under this act are required to keep a record of all their business transactions, which record shall be subject to inspection by any of the members thereof, and a copy thereof shall be prima facie evidence of the facts therein stated in all courts and other places when offered in evidence.

SEC. 12. That in addition to such records full books of account must be kept, showing the names of the members of the association, the amount of the capital stock, if any, the property, if any, belonging to the association, and all other things proper to show the condition in every respect of the affairs of the association.

SEC. 13. That no member of the association shall be individually or personally liable for any of its debts or liabilities except in case he has subscribed to the association moneyed capital, and in that event he shall be liable on such debts and liabilities for the amount of the unpaid portions, if any, of such subscriptions; and all the property of the association and all unpaid subscriptions, if any, shall, in case of the failure of such association to meet any of its obligations, be liable—

First. To the payment of all debts due to persons not members of the association.

Second. After the payment of all debts not due to the members of the association, then for any balance due to the members of such association. And the property of such association may be taken in satisfaction of any judgment obtained against it in the same manner as the property of an individual. The interest of any member in such association may be levied upon and taken in satisfaction of any judgment against him in the same manner as the share of a partner in a partnership may be taken, and the purchaser

at any sale made under such levy shall succeed to the interest of the associate against whom the process ran, subject, however, to such limitations as may by the by-laws of said association have been provided for in relation to succession.

SEC. 14. That the right of any association claiming to be organized under this act to do business may be inquired into by quo warranto, at the suit of the Attorney-General of the United States; but the right of an association claiming in good faith to be organized under this act, and doing business as such association, shall not be inquired into in any collateral proceeding, nor shall its right and authority to do business as such be questioned except by the aforesaid proceedings, in the nature of quo warranto, at the suit of the Attorney-General of the United States.

SEC. 15. That this act having been passed to promote the association of individuals, and to induce them to combine their capital or labor for their mutual welfare and the public good, therefore the rule of the common law that statutes in derogation thereof shall be strictly construed shall have no application to this act, but its provisions must at all times be liberally construed, with a view to effect its object and to promote its purposes.

SEC. 16. That this act shall be in force and effect from and after its passage.

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RESPONSE

OF

FRANCIS J. SULLIVAN, ESQ.

TO THE TOAST OF

"CALIFORNIA, THE LAND WE LIVE IN,"

DELIVERED

At a Banquet held at the Occidental Hotel, San Francisco, on the evening of the 18th of March, 1878, in commemoration of St. Patrick's Day.

SAN FRANCISCO:
EDWARD BOSQUI & CO., PRINTERS.
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Response.

Mr. Chairman and Gentlemen: California kindles in *our* minds emotions which do not arise at the mention of any other name. In its few syllables is comprehended the history of the most remarkable country upon which the eye of man ever gazed. Its wondrous treasures have long been the theme of the poet and novelist. Attempts were repeatedly made to discover the mysterious land in which they were supposed to be found, but in vain. So, the great wonders of the Western El Dorado were enjoyed by no one except the Red Man, until the sixteenth century, when Cabrillo planted the banner of Spain upon her virgin shores.

But it was reserved for the devoted Father Junipero Serra, to make an actual settlement in California. In July, 1769, he arrived at San Diego, and raised on high the symbol of our redemption. Apostle of California! While energy of purpose, nobility of soul,

sublime aspirations, and great results are admired, never will your name be forgotten by the people of the Golden State. Until the venerable Mission Dolores crumbles into dust, San Francisco will always be reminded of the good Franciscans, who, more than a century ago, beheld the then unruffled waters of her bay, and consecrated the spot upon which the metropolis now stands, in the name of St. Francis. As years passed on, Missions were established by the Fathers in various parts of California, and the natives of the soil redeemed from the slavery of barbarism.

In the meantime she became a territory of Mexico. A few years after that event occurred, the suppression of the Missions was decreed. Then was consummated, in the name of justice and expediency, one of the foulest deeds of modern times. To-day the ruins of the old churches tell, with silent eloquence, the tale of spoliation and of wrong. The natives, deprived of the aid of the missionaries, sunk back into their savage state; the authorities seized all they could obtain by fair means or foul. As a natural result, from that period to the time of the American occupation, revolution succeeded revolution. Cali-

fornia was plunging into a sea of anarchy, greedily coveted by the French and English, when American valor, on the plains of Mexico, changed the aspect of affairs.

On the 7th of July, 1846—memorable day!—Commodore Sloat raised the Stars and Stripes at Monterey, and proclaimed California a part of the United States. Glorious Flag of my country! Through your protecting influence California became the wonder of the world; under your folds she found peace; you gave her a nationality founded on the principles of freedom. You bid her look aloft and gaze on your stars, and by their light be guided to an exalted and happier future. To you she is indebted for her constitution. You caused her to spring forth, Minerva like, fully armed with necessary powers, as one of the States of the Union.

But, sir, there was something more important than the flag that was to change her destiny, to cause her to blaze forth as a meteor, and to make her one of the great financial powers of the globe. I allude to the discovery of gold at Coloma, in 1848. Never in the history of the world, did any discovery produce such a marvelous effect. The cry of

gold was heard in the jungles of India, the snow drifts of Siberia, along the plains of China, on the islands of the Southern seas, and in the cities and towns of America and Europe. Gold! At its magic sound the merchant left his desk; the lawyer his client; the physician his patient; the man of science his researches. Gold! The father tore himself away from his family; the lover from his betrothed. Gold! The pleasures of society were forsaken; the dividing lines of nationality dissolved; the races of the North, South, East and West, united. Gold! Seas were crossed; mountains scaled; unheard of hardships endured. Around the Horn, through the Isthmus, along the great plains of the West, poured the mighty throng. Gold—California. At last the dream of the poet had been realized. You were found, in truth, to be the Promised Land. The enthusiasm of the Argonauts in search of the golden fleece; the fiery zeal of the Crusaders, urged on by Peter the Hermit, were as the gentle zephyr to the storm, when compared to the fever of excitement that animated the Pioneers of our State. Long before the riches of California were revealed by Marshall, the Son of Erin

had determined to look upon the land of the Sierras. In 1844 (at the time the adventurous Fremont had made his name synonymous with California) he had crossed the great plains in a direct line towards the setting sun. No aid had he but that of Providence, and the maps which an Indian traced upon the sand. After suffering great privations, he entered this golden land by a pass, which was called by him Truckee, in honor of the Indian, and took his place among the first pioneers. The Celt has seen the glimmering of the dawn, and now witnesses the noon-day splendor of California's prosperity; he has taken part in her assemblies; he has represented her in the councils of the nation; he has aided in developing her wealth; and he stands to-day, one of the richest and most powerful elements in this our State. It is proper, then, that the name of California should be connected with the festival of Erin's patron saint, and that in this State which the Irishman has done so much to enrich, he should meet his countrymen and their descendants at the festive board as we do to-night, and they should mutually pledge one another with a "cead mille failthe," and a "God save Ireland." Noble pioneers of every

race! who laid the foundation of our commonwealth, who erected the magnificent city, where thirty years ago nothing was to be seen but a sandy waste; who caused the busy hum of industry to resound in our towns and villages, California will never be unmindful of the debt she owes you. Your history is hers. The munificence of a Lick was unnecessary to enshrine your memory in her heart. In years to come—

> "Sweet Bards along this sunset shore
> Their mellow melodies will pour;
> Will charm as charmers very wise,
> Will strike the harp with master-hand,
> Will sound unto the vaulted skies,
> The valor of these men of old—
> The mighty men of Forty-nine;
> Will sweetly sing, and proudly say,
> Long, long agone there was a day
> When there were giants in the land."

While the thirst for gold continued, while the ships were abandoned in San Francisco Bay; while the excited multitude moved on in the direction of the American River, a great source of wealth to California remained undeveloped. But in 1853 a change came over the mighty host. It paused as for a breathing spell. Then, allured by the genial

climate and rich vegetation of the State, the majority applied themselves to the cultivation of the soil. As great a treasure as could be found in the sands of the American, Yuba or Feather rivers was now discovered. The rocker gave way to the plow. The sheaf of wheat created a revolution among the Pioneers, who had come from all quarters of the globe. They no longer thought of returning. The fair land of the Western sea was dearer to them than those they left. Homes became necessary. Families grew up about them. The interests of the State were theirs. What was the result? California has risen to be a great and prosperous State. She is now one of the centres of trade. Her population has increased with astonishing rapidity. Her dwellings are the abode of luxury and ease; her sons and daughters rank among the most cultured classes in the world. She is, in truth, a planet amid the constellation of States, attended by her satellites, that bring to her their offerings of glittering ore. But it is not solely to the wealth of her mines, or her cereal productions, or her amazing progress that California owes her fame. She possesses the most charming climate in the world, which

combines at different latitudes, the heat of the tropics, and the cool breezes of the temperate zone, under the influence of which flowers bloom all the year round. Her natural beauties are unsurpassed. The Californian can point with pride to the gorgeous sunsets which eclipse those of Italy; the grand Sierras—

> "A swaying line of snowy white,
> A fringe of heaven, hung in sight
> Against the blue base of the sky —"

the giants of the forests that have stood erect for thousands of years; the granite domes of sublime Yosemite with its unequaled falls; the snow-crowned Whitney and Shasta; the mirrored charms of Lake Tahoe, and the far-famed Geysers.

But, sir, every rose has its thorn. California is now laboring under a depression never known before. She is struggling through the sea of despondency. But while with one hand she cleaves through the waves that threaten to engulf her, in the other she upholds the banner of hope. On that banner is inscribed, hope for the present; hope for the future. If the past and present of California have been such as to cause her to be the admiration of all men, what will her future be?

Oh! would that I could draw aside the veil—that I could depict the full glory of the Golden State in coming years. But that pleasure is denied me. The light of her gleaming splendor would dazzle my eyes. However, I feel confident that a great destiny awaits her. Art, science, philosophy and literature will be as hand-maidens at her call; her schools the resort of nations; her commerce only circumscribed by the globe. Methinks I see the wise men of the future following the star from the East and laying down myrrh and frankincense at her feet; the world pouring its wealth into her lap; the jewel of dominion shining on her brow. Believing that these things will come to pass, can I not say with the poet—

"Dare I but say a prophecy,
As sang the holy men of old,
Of rock-built cities yet to be
Along these shining shores of gold;
Crowding athirst into the sea,
What wondrous marvels might be told?
Enough, to know that empire *here*
Shall burn her loftiest, brightest star;
Here art and eloquence shall reign,
As o'er the wolf-rear'd realm of old;
Here learn'd and famous from afar,
To pay their noble court shall come,
And shall not seek or see in vain,
But look on all with wonder dumb."

The Political Retrospect,

AND OUR

RESOLVE AND DUTY.

SPEECH

BY

CHARLES A. SUMNER,

OF SAN FRANCISCO.

Delivered before the Jeffersonian Clubs of El Dorado County, California, at Placerville, California, April 4th, 1877.

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Political Retrospect and Outlook.

ORGANIZATION AND DUTY.

The President of the Jeffersonian Club, Hon. G. J. Carpenter, Speaker of the Assembly, introduced Charles A. Sumner, of San Francisco.

Mr. Sumner said:

MR. PRESIDENT, LADIES AND GENTLEMEN, FELLOW CITIZENS:—If, on the 7th of November, 1876, the electors on the Radical tickets had received a clear majority of the ballots actually cast in a sufficient number of States to give their Presidential candidate a preponderance in the Electoral College vote, even though he lacked a million votes of a popular majority, the acquiescence of the Democratic party in his election would have been perfect and complete. If, in addition to such sufficient, constitutionally-decreed result, the Radical candidate for the office of Chief Executive had received a majority over all competitors of 160,000 votes, a plurality of 250,000 ballots, and a million majority of the white suffrages of the nation, any Democrat, or any person claiming to be a Democrat, who would have publicly questioned the decisiveness of the victory for the opposite party, would have been the object of almost universal ridicule and contempt. The testimony of the political events of this country during the past eight years is conclusive on this assurance; and the language and conduct of the Democratic party during the recent campaign is overwhelming in confirmation of this statement.

Among the engraved results of our Republic's history, on which introductory and eloquent and patriotic congratulation was placed in the Democratic platform, adopted at St. Louis, stands the proclamation—Acquiescence in the will of the majority. Alas! the records of our Republic no longer give uninterrupted emphasis to so fundamental and comfortable a doctrine.

All the time during the campaign of the centennial year, everywhere, with exceptions so infrequent as to be made subjects of prominent comment more on that account than for any other reason, the Presidential candidate of the Radical managers was treated by the Democratic speakers and newspapers with great respect. The claim for the excellence of his personal character stoutly set forth by his next of friends in political expectation, were speedily accepted and recited by nearly every Democratic orator and journalist, without public qualification, if not without private dispute or misgivings; and in numerous instances, it can now be said, legitimate opportunities to criticise his obscure and insignificant public record were charitably ignored or unimproved. It is proper to declare, that a forbearance which amounted to magnanimous courtesy towards Rutherford B. Hayes, characterised the action of the Democratic representatives before the people during that exciting period. Nor is there any proper deduction from the credit for chivalrous abstinence on this subject on the part of the popular advocates for the Democracy—wherein a loyal mind for submission to a justly ascertained majority may be recognized—because we all felt that, in a sense more profound than ever before experienced, we were contending against an organization, without special reference to any one opposing aspirant for office; because it is true we did not believe that the personal qualities and personal disposition and habits and intentions, all combined, of the Radical nominee for the Presidency had much to do in a discriminating consideration of the profit and loss to the nation in the failure or success of the struggle. We felt, it is true, that we were battling, not so much against a man who had been named for the Presidency at the Cincinnati Convention, as against the continued domination in national affairs of a cabal of infamous wretches, who, after fighting successfully against each other's Presidential aspirations, conspired to put a neutral creature at the head of their party ticket. Independent of outside or fringing reasons that might have justified our notable care in refraining from reviews of whatever was or could be called the political record of Rutherford B. Hayes—and one-tenth of the man we admitted him to be would have rejected the tender he has accepted at Washington with unutterable scorn—the principal, the controlling, the oft-assigned sentiment and purpose was this: We will exhibit our faith and our sincerity in behalf of our platform by directly and exclusively contending for the election of the man who perfectly represents its resolutions in his biography and his letters.

But the simple and constitutional terms upon which the Democratic party of the nation would have been practically a unit in acknowledging its defeat, have not been fulfilled; and no efforts of ingenious contemporaneous writers can fasten the shadow of a possibility of truthfulness in such a claim upon the accepted and enduring page of history. All the conditions which I have supposed—in the case where lunacy alone would have excused a member of our organization in a rebellious demonstration against the elected right of the Chief Magistrate—belong to a different picture, and lend the gravest significance and the most imposing and imperative obligations in

an opposite direction. Not Rutherford B. Hayes, not William A. Wheeler, but the candidates upon the Democratic ticket, were elected President and Vice-President of the United States on the 7th of November last. It was for the latter, and not for the former, that the indisputable tally shows a popular majority over all rivals of 160,000 votes, and 250,000 plurality; and in a million majority the white voters of the country declared their preference and choice for President to be, not Rutherford B. Hayes, of Ohio, but Samuel J. Tilden, of New York.

From the outset of the campaign, it was manifest that the determination of the Democratic party was to obtain success by the use of all fair and legitimate means; having, as it did, for its leaders and counsellors many men who are conceded to be among the wisest and best that have ever dignified public life in this nation or adorned an honorable profession:—Charles Francis Adams, of Massachusetts, and Gideon Welles, of Connecticut; Park Godwin and John Bigelow, of New York; Andrew Curtin, of Pennsylvania; Montgomery Blair, of Maryland; Lyman Trumbull and Joseph E. Palmer, of Illinois; George W. Julian, of Indiana; Austin Blair, of Michigan; B. Gratz Brown, of Missouri; John R. Doolittle, of Wisconsin; Cassius M. Clay, of Kentucky;—all old-line Republicans; as patriots and statesmen, tried and true, and peerless in their respective commonwealths; these men being among the most influential in advising the nominations, suggesting the methods of the canvass, and contributing towards its progress and ultimate success.

From the outset of the campaign, it was evident to every intelligent and candid observer that the managers of the Radical organization were determined to place their candidate in the Presidential chair, if means the most corrupt and artifices the most detestable could suffice to accomplish that end; that party having, as it did, for its leaders some of the worst men that have ever disgraced high official station—men who at one time or another have been stamped as political renegades and scoundrels by every journalist in the land who has won any claim to respect for the worthiness of his opinions:—such men as Oliver P. Morton, of Indiana, and Zach. Chandler, of Michigan; Ben. Butler, of Massachusetts; Jim Blaine and Eugene Hale, of Maine; Simon Cameron and his son "Don," of Pennsylvania; J. G. Garfield, of Ohio; D. H. Chamberlain, of South Carolina; M. L. Stearns, of Florida; Madison Wells, of Louisiana:—and having for its candidate for Vice-President one of the most servile and ready of railroad subsidy representatives, and having for its principal outside "backers" the Princes of the railroad and whiskey rings, with Tom Scott and Jay Gould at their head—men whose preferences were known and satisfied at Cincinnati, and whose labor and expenditures at the close of the contest were all-powerful in securing the consummation of the unparalleled and tremendous Conspiracy of usurpation.

Fellow citizens: we did not contend for the sake of the temporary exultation of a party triumph, but for a lasting victory in behalf of great constitutional principles of free government. And there is nothing—I say it boldly, and I think I can place the record in such a manner that no one will deny the glorious reflection with any grace of accent—there is nothing in our canvass as a party for the man who was elected President of the United States that calls upon us for anything approaching moral apology or explanation. Mistakes on our side there were. Let them be avoided in the future. Inexpedient methods, acts of indiscreet local insubordination against careful directions from headquarters, and sluggish movements, are to be complained of, for ourselves and by ourselves; but our hands were clean in the combat. And we can come here to-night, and go elsewhere to-morrow, and look each other in the face, and clasp each other by the hand, with a view to again renew the work of organization and the service of political soldiery, without studying to hide a recent political biography, but with every noble and generous fraternal impulse springing therefrom.

My friends: every man, everywhere, according to the prevailing belief of the civilized world, needs his own and his neighbors' prayers as he goes in and out to his daily duties. But if with our finite vision we can at any time discover any clear distinction between the good and the bad, between evil and that which does not belong under the title, we can rise in this secular assembly to-night, and with devoutly reverential sentiments declare, that so far as the conduct of the Democratic candidate for the Presidency, in 1876, is before the people—as it now appears, after all the proper, searching inquiry and investigation—in the white light that has beaten upon him and all his words and deeds during the campaign season, with power "to blacken every blot"—so far as his life in respect to his candidacy is concerned, from May to March, he does not need the prayers of any man. Nor can I fail to add in such evidently appropriate juxtaposition: while it is the almost universal belief of enlightened people, that there is a divine forgiveness, not only for the acts and thoughts of imperfection and infirmity, which are inseparable from human life, but also for the willful and most heinous sins of commission, it is not within the creed, or conscience, or suspected letter, of any theology that was ever outlined, to imagine that the witting receiver of stolen goods is any better than the thieves that enrich him; or that a marble "fence" store, or a government junk shop, inhabited by political burglars and pick-pockets, where the nominal keeper calls to himself the principal cracksmen and panel sneaks who have successfully combined to steal for him both his house and his goods, is made by virtue of a concert of prayer or a tumult of sacred opera a sanctified dwelling-place for religious statesmanship and republican honor.

We are told that during the culminating days of the conspiracy at Washington, the leaders and managers of the Radical party were in a "feverish condition of hope"; they expressed the belief that if they could once more secure a term of Federal power, no matter under what auspices or by what leverage, they could perpetuate their party supremacy during the remainder of the century. I am not here to say that their hope and expectation as thus chronicled was strange or unreasonable. It is certain that by very different channels, men who manage in the Radical party and men who have merely consented to abide in it hitherto, or within the latest dates, argue out for themselves and their own judgments and consciences, and for their neighbors, the justice and propriety of such a foretelling. Our time here does not

permit us to analyze the self-excusing plausibilities of the relatively better class, and the correspondingly least influential members of the Radical committees.

The main Conspirators of the Radical party unquestionably rejoice in the unclouded belief that by the same line of conduct that has been pursued by them, or under their direction, during the past eight or ten years, the perpetuity in power of the "Republican" organization can be maintained for their special use and aggrandizement. More stealing, more gathering of plunder—more disciplining of forces that work best under the seive of dishonest public appropriations of money, bonds and lands. These men who are at the very head of the administration, as controlling officers or as "Powers behind the throne," do not believe, and do not pretend to believe, that there exists any *enlightened* moral sentiment, discriminating as to the real fact of abuse and the only or best mode of remedy—existing among the masses of the people—which can be referred to or relied upon by the combatants for honesty and right in the affairs of government. In their secret conventions, as we are told by some of their comrades, who have through some inadvertence been apprehended and sent to jail, and who have harbored revengeful feelings against their fellows on this account—in their private consultation chambers, they do scoff at the idea of such a popular moral sentiment as I have indicated.

And in open illustration of this contempt for all appeals which presuppose or attribute a general rectitude of thought and purpose among the masses, what is or could be more conclusive than the scene at the National Capitol, where Senator Jim Blaine appears the conspicuous figure:—entering the Senate Chamber "with his face all aglow with smiles," and relating to his fellow Radical Senators—(not shunning with shame a few Democratic auditors)—how the Louisiana Returning Board had reduced their announcement of the theft of the vote of the State to "fractions," and actually given publication to Parish names, and the special pretences assigned thereto, in several outcasting paragraphs! And the Radical Senatorial associates of this branded scoundrel Ha! Ha! with him, before the Senate of the United States—thereby interrupting the proceedings of that body—and, by the telegraphed record, sending before all the people, their laugh over the action of the infamous Returning Board of Louisiana in going into the extremely unnecessary affectation of making a figure and fractional showing in some respects, or in some instances, of their method and results in "doing business!"

To the same conclusion take another illustration. After "a prayerful season"—(and my friends, how has the Christian religion been defamed and debauched by the national exhibition of Cant and Phariseeism we have had during the past few weeks)—after a prayerful Sunday and Monday and Tuesday, called by himself for himself, the usurper in the White House is reported in one of his party organs, as receiving "with great cordiality" the members of the Louisiana Returning Board, fresh from the examination room where they had confessed all their alleged iniquities thrice over; "listening with pleased countenance to their expressions of high personal regard," and dismissing them with assurances of his "esteem for them personally," and his commission "*to them* to bear with them to their people his desire to so conduct affairs as to bring peace to their section of the country."

And one more illustration. Morton, the Radical Danton, whose presence and influence was not to be tolerated at the White House if Hayes was elected, (so we were told during the campaign, by the usurper's "bosom friends,")—Morton appears at the north eastern gateway of the Presidential garden, and has himself reported as unable to venture across the slippery walks. Instant, the usurper comes forth; "greets his distinguished guest with the utmost cordiality"—I quote from the New York *Times*—and seats himself in the carriage beside this notoriously unprincipled political charlatan—who is ready to profess any political sentiments at any time—and there holds "close conversation for half an hour."

Fellow citizens: the question is one that is at the heart of the nation's history and hope; at the foundation of all approximate assurance of a change for the better in the admistration of Federal affairs in our day and generation: Does there exist a moral sentiment among the people to which a saving and sufficient appeal can be made against the Conspirators during the administration term on which we have entered? Are the Radical managers correct when they assume, as they loudly do assume, that the people are either ready and anxious to sanction all their deeds of recent record, or too blind from prejudice or sheer ignorance to perceive the political iniquities of the Conspirators in their true light, or discern their kindred and infernal intentions? Are the men who go about the streets of our cities and towns proclaiming jubilantly the utter folly of any address to the sense of right and truth and justice in the breasts of a large majority of our fellow citizens, correct in their judgment on this all-important matter? Is their shriek of derision at every earnest effort to inform the people as to the real condition of national affairs, and to stir up their minds by way of lively remembrance against the day of righteous wrath for unpatriotic men, a very psalm of rejoicing that shall not be hushed until the physical revolution comes to make a terrible retribution for prolonged terms of national jobbery and repeated usurpations? It is *the* question that cannot be italicised too frequently; it is a fearful question; and one which concerns every citizen before me fully as much as it can personally affect or reasonably excite the humble speaker of the evening.

We *may* say for one another, as well as for ourselves individually: We can endure the fact and the increase and the promise of this condition of affairs as long as any one else. We may say, with selfish congratulation over our own exemption from the untold and unutterable sorrows of anarchy and mob devastation: Our country is so large, so rich, so undeveloped, with such immense material resources, with such a multitude of existing and upspringing commercial interests—so many thousand avenues of trade, so many opportunities for new and remunerative manufacturing—with such corresponding possibilities for tide-setting change which no man can take into his keenest endeavors to forecast and prophesy—all these things presumably operating as a saving ventage or bewilderment, for a time—that we, at least, in all human probability, shall not be disturbed or distressed

by the gathering on the fields of Gog and Magog. Let the plunderers riot if they will and as they will; and cheat the people every time the majority elect honest rulers, and by the ballot declare a disposition and determination to substitute soundintelligence and probity in public stations in place of state's prison cunning and shameless rapacity. We might exclaim to the jubilant supporters of the Conspirators at Washington: "Shout to the full scope of your lungs over the achievements of your leaders and masters; we neither stop our ears from chagrin, nor expect any serious personal injury or any inconvenience amounting to physical harm from these unholy triumphs which you celebrate;—which you celebrate now with the blare of bugles and the roll of drums from marine and army bands, pressed into service through military orders, and now celebrate with prayers from Henry Ward Beecher, Cosmopolitan Consul Newman, I. S. Kalloch, John Glendenning, Bob Ingersol, and Frank Page." We may say,—we might, possibly, say,—that as there is nothing in the hurrah of fraudulent partisan triumph which torments us, so nothing in the plain letter of moral or material threatening against the country—misgoverned and plundered to the uttermost extent that we can suppose at all tolerable—will render us any the less secure in our respective habitations during our brief span of earthly existence. We may think this. We might say all this. On such a basis we might lay down our arms, or retire from the front; or take but an indifferent part in the coming political contest.

And yet: what is our duty? Can we put aside the armor of patriotism, and justify ourselves as conscientious men before the country, in the light of history,—in accordance with the hope that springs and swells within our bosoms, like rivers of great waters, as we look into the faces of our little children!

For one, I have my retrospect, my confession and my vow, in the statement of which I will be entirely candid. Not obtruding my words under these titles in a spirit of egotism; but giving them because I believe they will put me on a fit and fraternal basis with many of you, and in a square and desirable plane of understanding with all, during this evening's communication.

I am glad, and I am bereaved, and I am resolved.

I said to you, five months ago, that the judgment seals were set; that Samuel J. Tilden would be elected president of the United States. Did I then speak the words of truth and soberness? Samuel J. Tilden was elected President of the United States under the provisions of the Constitution; having besides a popular vote larger than that ciphered for him by his most sanguine supporters. The people by majorities that must not be set aside from our daily answering memories, declared that Samuel J. Tilden should be the President of the United States.

In response to the editorials telegraphed from New York to the San Francisco "Independent Press," and the stump orators' quotations therefrom, uttered by the outriders for Morton and Sargent on this coast, I endeavored to make plain the fact that the evidently earnest hope, and, perhaps, sincere expectation of a victory for the Radical ticket in New York, was unwarranted, if not ridiculous. Did I reason outside of the suggestions of the record and the probabilities of the hour? That great State gave Samuel J. Tilden one hundred and seven thousand more votes than he received when he ran for the gubernatorial office.

But the conspirators "counted out" Samuel J. Tilden:—by a succession of audacious proceedings and a series of thieving tricks they accomplished their purpose; and to-day a usurper sits in the chair of President Washington!

Five months ago, I said in the presence of many of you that if Samuel J. Tilden was not chosen President, and did not enter upon the duties of the office of chief executive, I should have my lenten days of sorrow. I think that I may without an exhibition of morbid or mawkish weakness, confess a profound grief over the result as it stands depicted. Let others, if they can and will, profess a complacency that enables them to accept such a result, so brought about, with "cheerful acquiescence." I have no common lot either with the man who snivels in public over a wholly personal loss, or claims that he has no personal sensitiveness touched and made to suffer by unjust political defeat. It is not a mere matter of loss of victory. It is not the fact of being in a minority. Individually I have lost more than one contest, through the purchasing power of the Central Pacific Railroad Company, after the majority of the people in my district or state had voted for me as their choice for Congressional Representative. And I do not say that I could long remain in a majority in the Democratic party, if it were admittedly successful in all its elections to-morrow. But this national record is insufferable to my mind, by reason of what I know of the bad management that has been justly charged against our side by our own associates, and on account of the givings-away that I cannot refrain from suspecting; and I have at times to dismiss the subject by the strongest exercise of my will from the chambers of reconciliation. No physical voice of one man or of any rabble of men,—no whispering or muttering of satisfaction over the success of the Conspiracy,—brings me the slightest uneasiness, or serves to fix my meditations on the record. It is the general contemplation of the situation which I *can* suffer and invite, at my own volition, that fills me with regrets and forebodings.

But from such contemplation I rise without abated pangs of distress, but with new resolution; with a freshened spirit of hostility to every form of political debasement; with inflexible purpose of re-dedication to every good and every orderly work of redemption in the interests of honest republican government. Let others do as they may. I believe that to-day the Union calls for yeoman service from her true sons, as sternly and imploringly and cheeringly as ever before in the annals of our nation's time. For myself, as opportunity provides, in so far as in me lies, consistent with the least I must do under the first obligations of every citizen, I will strive and be spent in the service of my country. That service is made clear to my conscience as a bright noonday path: that little service now belongs in the ranks of the Democratic party of the people of the nation.

Do you doubt the existence of a fair field for the contest? Is there a moral sentiment among the vast majority of the people that will reach the sores and excrescences of the body politic with destroying force? Is there not in this country a burning caustic of public opinion that will yet scorch and fire out the

elephantiasis wens and warts and bunions and cancers that are now personified in the places of government authority? Or have the lepers come in from without the gates, into the beautiful city and the halls of dominion, and captured the temple and council house for all time; fattening upon the substance as well as the luxurious overplus of a mighty nation; screeching in diabolical delight over their own increasingly repulsive images and appearances and demeanor and dictations, as they parade in ghastly ranks through the corridors of the Capitol building, and issue mandates and carry out Conspiracies that correspond upon each leaf of history with the unspeakable hideousness of their personal characters?

Let us be thankful as we enter anew on the service of patriots, that now there is so much more of absolute verity in the division on the one side as against the other. Only get the facts before the people, and it must be seen that this is the right or this is the wrong. Let the responsibility be welcomed, that sits indisputably on the constitution or wilful and wicked wish and pertinacity of the individual. There is no compromise, there is no halfway house of judgment, when we do succeed in dragging the statement of the actual events before the community. Tilden should have been inaugurated President of the United States, or Hayes is the rightful Chief Executive of the Republic. The effort made with every muscle taughtened and every nerve keyed up to the uttermost tension—with eye-balls horribly protruding and fixed in their staring, from rush of blood to the head—to make it seem that there is not a sharp line of demarkation between the political and moral truth and falsehood in this national diary of the last twelve months, will prove to be vain and impotent, if we do but follow the forms of simple duty everywhere, and keep the indisputable story in ever-present lettering among the masses of our fellow-citizens. On the one side or the other is the perfect right, or the clear, unqualified, unmitigated wrong. The proceedings and incidents at which we have already glanced exhibit the case in unmistakable explicitness to the intelligent understanding, and every step or thought of real inquiry will disclose deeper soundings for the gulf of separation. The Louisiana record is complete and beyond quibble or prevarication, in itself and by its inevitable suggestions and impeachments and condemnations. There need be no patience exercised with those notoriously faint-hearted, soft-brained citizens who always imagine they see so much good on both sides of party lines that they never do thoroughly cast their own vote. But no man can be blamed for error of party choice, when he is not put in possession of the record that justly belongs to the canvass;—presuming, always, that he uses reasonable, conscientious means to obtain and read the needed chapters of contemporaneous history. The division *is* clear:—so much out of the situation to be grateful for, by every lover of the straight street to the house of judgment.

Many men, let us believe and be ready to concede that many thousands upon thousands of good men, voted for the Rutherford B. Hayes electors under the firm conviction that the success of Samuel J. Tilden would be disastrous to the best interests of the country. Is it to be wondered at that such is the lamentable fact; when the "Independent Press" of the country was employed to do its uttermost for the propagation of such an opinion? It is with these good men that the work of conversion has already had its perfect day; or their change of party affiliation awaits our fair and zealous efforts in informing, instructing and proselyting. And mark you, such men will not be offended by the use of the plainest terms of arraignment and specification.

I rejoice to know that, since the ides of November, with thousands upon thousands of our fellow-citizens, scattered throughout the Union, the perfect day of illumination has come. They have disclaimed all fellowship with the men who did advise such proceedings as secured the inauguration of a usurper in the Presidential office; and step by step their protest of heart, if not of voice and pen, followed the doings of the Conspirators at Washington during the last session of Congress. Such men I can count in San Francisco by the score. I hope you can name them in El Dorado County by the dozen. But some remain as yet uninformed; or hesitating because the same influences that bamboozled them during the campaign persist in the work of deception with them; strongly prevailing with unsophisticated minds.

It would seem that hardly anything else is necessary in the programme of work for us, with reference to our neighbors and friends who are not utterly committed by criminal intent or bigotry to the cause of the Conspirators, than to make sure that those over whom we can exercise a direct influence behold the developments, as they are called, of the Administration, from day to day, in these early weeks of the term of the usurper; the declared stultification—so admitted and professed—as against the cry of the campaign on which these neighbors and friends voted a few short months ago. The avowed inconsistencies are so glaring that they must naturally turn the attention of all observers to a comparison with the pleadings of the summer and fall of 1876; and the closer the study of all this real and all this simulated variance and betrayal,—this accepting the inevitable under duress, and calling the bitter "sweet," and this undoubted readiness to go some distance on a highway of justice, if thereby a momentary benefit can be obtained—the more certain and positive and clinching the accessions to our political brotherhood. And it is by the work that will afterwards come from these proselytes, that the standard of political right and truth will be carried higher before the country and the world. Discovering how they have been practiced upon with false pretences, their sense of the exact wrong perpetrated, and their exasperation at the retrospect, will enable and impel them to make personal appeals to their fellow citizens more powerful than any we can devise or declaim. Let them see how the sham "work of reconciliation" under the usurper is, for him, and in the name of the "Republican party," begun and continued, with shouts of "Pacification," and with a hundred offers of bargains 'twixt the robbers and the elect, and a thousand venal propositions for office and emolument-reward to party infidelity unblushingly put forth,—if so be the junta of Radicalism, still under the lead and control of the old political prostitutes who have shaped the Presidential Conspiracy, can be reinstated in popular favor.

Every true citizen here to-night, should

strive from this hour until the day of election, to bring neighbors and social companions and occasional visiting friends, who voted the Radical ticket last fall, face to face with the evidence of the contrasts and mutual condemnations of recent Administration doings; by some personal, respectful, proselyting methods. Let not the minds of these subjects for your persuasion be led away from the fact that last fall they were induced to remain in the ranks of the "Republican" organization because it was proclaimed unto them, again and again, that a Radical success at that time was essential to prevent the unmixed evil of the domination in the Southern States of such men as Wade Hampton, Nichols, and Ben. Hill; because it was intimated that a new insurrection in the South—actual rebellions in one locality and another, with horrible negro-massacres—would follow the recognition of such men as Wade Hampton and Nichols as Governors of their respective States. In precisely these particulars were the charges of slumbering treason and inhuman disposition and determination shed abroad by the champions for the Radical ticket in the campaign of 1876. It must not be forgotten that the staple of the Radical campaign of 1876 was "the bloody shirt." And under its folds the summons went forth, to keep, and cajole, and capture.

Now read the current record, and induce your sometime "Republican" neighbors to do the same.

Again there come before us personal illustrations with irresistable demonstration of duplicity and fraud. Jim Blaine takes a special lookout, after the Georgia Senatorial Election, that he may be the first to welcome on the floor of the Senate Chamber, at the National Capitol, the very man whom it was hurrahingly said that Jim was elected to combat and overthrow—even Ben. Hill, of Atlanta. And when this welcome was extended, there appeared to be every probability that Tilden would be the inaugurated President.

Where is the bloody shirt? on which was inscribed—as their orators had it—"in Letters of Living Light," the denunciations by Representative Jim Blaine against Southern rebels and their alleged insurrectionary intentions—denunciations uttered in a quick retort, and also in studied phrases over the text of a speech by Representative Ben. Hill, of Georgia. Can this thing be, and not overcome us all with disgust at the boldest and basest political and personal inconsistency and infidelity among Radical chieftains? Can this be, and not open the eyes of the simplest man among the number that composed the hosts of completely deluded citizens who did support Rutherford B. Hayes at the ballot box, on the 7th of last November? Is there to be any standard of honest judgment on political conduct in this land? May you and I be one person in politics to-day, and absolutely another person in politics to-morrow—quite the reverse—and then shout cheerily to the cheated thousands who sanctioned the first declaration; formally extending an invitation to them to continue their support under an exactly opposing proclamation, or apparently expecting unabated approval? Is there no intellectual integrity to be accredited among the masses, capable of judging of such vaulting tricks and tumbles, with solemn judgment; a mental uprightness that is to be vindicated in conclusions as to how this and that citizen will vote in this State this year and the next, and on the day of national interest? We shall come again to this threshold inquiry, with more direct personal allusion, by and by; and that right home in California—if I have your patience with me so far.

In passing from this point or admonition of duty, and the manner and relative ease of its performance towards our neighbors and friends, we take up something springing from the last consideration, for the most anxious and earnest of fraternal warnings.

During the next four years there will be no end of promises of good from the administration; there will be constant reiteration of assurances that great good has been accomplished by the usurper and his cabinet and their advisers. The Western Union Telegraph monopoly and the "Independent Press" will be devoted to this work of manufacturing a popular opinion, to the effect that although the President of the United States *de facto*, may be challenged as a man who has no legal right to the office which he holds, yet he does so conduct himself in his high station, which has been stolen for him—he does in some respects so imitate the virtues of the administration that was outlined by the Democratic Platform and the writings of Samuel J. Tilden—as not only to entitle himself to the commendation of the people, but also to recommend the party managers who fradulently counted him into the executive chair to the complacent consideration, to the wholesale forgiveness, perhaps even to the admiration of citizens, irrespective of party lines. In this way, by these channels for general communication and repeated assertion of excellence—with respect to things necessary to be done by any chief executive, and with respect to many little and some large reforms (for which everybody will be duly glad) which he and his surroundings could not do otherwise than assent to, or acquiesce in, in obedience to the manifest will of that very majority which chose Samuel J. Tilden President of the United States—it is even hoped not only to save the Conspirators from merited retirement, but actually to reverse the popular party verdict of 1876;—when the popular majority over all of 160,000 votes, and a million majority of white men, declared that not the creature of Chandler and the Camerons and Morton and Gould, but another person should be President of the United States—none other than that noble gentleman, that grand old Jeffersonian statesman and Political Reformer—Pre-eminent before the world in the Centennial year of our country—Samuel J. Tilden, of New York.

Be not deceived. Imitations and affectations there will be; and making-the-most by way of profession and out of enforced good conduct there will be. Be not deceived. The stream cannot rise higher than the fountain. Do men gather grapes of thorns and figs of thistles? Reforms there will be. Reforms there must be in any Administration that succeeds the administration of Ulysses S. Grant. Or so the changes will appear—whatever they may be, be they really State Reforms or merely a change in the games of cards at the White House—so they will appear at the first blush of announcement. We will have such "Reforms" as Morton and Jay Gould would have conceded to the people in person, had they been counted into the Presidential chair; none other or different.

Be not deceived. There may be a pretence of dissolving party ties, as there is a readiness

to do anything to recover favor among the people—anything that will not sacrifice the precedence and power in plunder of the men who by fraud placed Rutherford B. Hayes in the Presidential chair. Much will be made of the public declarations of every old hulk who—quite on the ragged edge of going to pieces in every sense of the word—may be appointed to cry out in behalf of a general "breaking up of parties."

Be not deceived. There may even be serious attempt or labor to actually change the name of the "Republican Party." That's an old trick of some of its present owners. When a Contract and Finance Company has robbed the nation of a few millions, more or less, and it looks strongly as if there was going to be a call for an accounting, it may be considered judicious to disincorporate, and change the title of the company to the Western Development Association, and burn the books, and pension off some of the clerks of the former concern. But the same thieves may be gathered together, with new title, and renew their roundabout, shuttle cock and battledore processes of State and Nation robbery.

Be not deceived. Hampton and Nicholls must be acknowledged Governors of their respective Commonwealths, or there will be civil war within the borders of South Carolina and Louisiana; or there will be the appointment of two military Governors, with all the perplexities and exposures of Radicalism which such a proceeding would inevitably involve. Delays in the issuance of orders and dallyings in "Commissions" will be had and commended; maneuverings to discover, if possible, some exculpating methods of coming to the unavoidable. O, if there could be a shining, dazzling pathway cut through the woods, by which the ordinary observer would not see that the President of the United States permitted one man to be Governor who came in the same direction that his competitor for the highest office travelled, with the same credit for a destination ticket!

There will at times be cunning displayed in affecting to steal the policy of the party whose elected candidate was deprived of his office by chicanery and fraud. But if there is a moral judgment existing among the majority millions of this Republic, the measure of reformatory action that must come in any administration—that would come, I repeat, under Morton himself—will not avail to stay the rising wave of judgment—inevitable, irrepressible, irresistible, overthrowing, exterminating!

Be not deceived. Some reformatory movements are absolutely necessary from the circumstances of the situation. The party division in the two houses of the National Legislature guarantees this. The wish for a personal retention of power on the part of the leading Conspirators promises this; although with them, undoubtedly, there is the expectation that while the right hand of the Executive obtrusively shows gifts of honor and justice, the fingers of the hand that is not displayed will secretly sign permissions or commands in their behalf for more than counterbalancing charters for plunder and extortion.

Be not deceived. There will be all sorts of wars, so called, and rumors of wars, within the ranks of the Radical party during the administration term of Rutherford B. Hayes. *Coup-de-Soleil*-Blaine commenced that sharp practice in the Senate; and has deceived some. Now it will be this leader, now it will be another. The principal Corrupter of Congress, and one of the greatest monopolies on earth, the Western Union Telegraph Company, with its twin or creature, the ASSOCIATED PRESS BUREAU, will be fearfully exercised every now and then, in despatching to the Pacific Coast "INDEPENDENT PRESS" accounts about this and that principal villain in the pack of Presidency thieves;—how this one or that one has become dissatisfied, disgusted, morose, *mad*, obstreporous, "rambankshious," "rearing and tearing," all because tootsy-pootsy, sweety-eety, rosy-posy, pansy-anzy Rutherford B., —protege of Madison Wells, John Sherman, Jay Gould, Zach Chandler, and O. P. Morton, —has insisted on doing something so, O, *so* goody-oody, that every body-oddy ought to get right down on their knees, and thank their stars and every bodyodie-else' stars, that such a sweety-eety, rosy-posy, panzy-anzy cherub-saint was thrust into the Presidential chair of a mighty nation by the greatest political atrocity ever perpetrated within the confines of a Republic!

Be not deceived. And let not your neighbors and friends be deceived any more. All this is but a part of a well-rehearsed piece of "strategy, my boy," with which to gull the multitude. Sprats for gudgeons, springes to catch woodcocks,—manikin Jonahs to be thrown overboard as bait for a whole belly full of ballots to be cast upon some Florida reef, or emitted on the bank of some Louisana bayou, or deposited on a reedy ocean beach of South Carolina. Diversions to amuse the groundlings, while their day of sovereignty passes, while their names are being voted—perhaps in the eighth precinct of the tenth ward of San Francisco; snuff to be thrown in the eyes of business-laden, travel-worn citizens, who are approaching home with a view to vote "no confidence" in his fraudulency's administration; sulphuric acid cider, to be crammed down the throat of rural innocents, under one pretence and another, by wandering Radical peddlers;—innocents who were just waking up to a realizing sense of the fact that theretofore they had been drugged with the rinsings of the "bloody shirt," and had better improve an adjacent opportunity to go on the witness stand, against their deceivers and impostors, before the jury of the nation.

It will be puff, puff, puff, day in and night out, for the fraudulent President; and desperate exceptions will be reported to have been taken to his perfect line of conduct by succeeding Radical actors on the National stage; all ending in the defeat of the rebellious chieftains and the triumph of Virtue, as it is personified in the Presidential chair. And shortly thereafter, there will be direct or implied confession of error, on the part of the fellow who has given up his cue and taken off his buskins, and a dozen paragraphs by telegraph describing the demonstrations of welcome home to the wanderer from the Radical fold; coming back in penitential tears to the kitchen door of the good butler in the White House. And then must come an apotheosis: before the country sits Rutherford B. Hayes on a revolving pedestal; sun-saturated clouds all around him! And sacrilege most infamous, desecration upon desecration most grievous: every Revolutionary hero and martyr, every whole-souled patriot and scholarly statesman, who has long since had

secular canonization in the hearts of the intelligent people of this land, will have his familiar face photographed for this display—set on the red margin round about the Presidential centre-piece—postured as gazing up in almost adoring rhapsody at the putty palm-of-your-hand countenance of the President that has been seated where a true man and a wise political philosopher was authorized and commanded to sit, by the voice and votes of a mighty majority multitude of the people of the United States of America.

O, my countrymen : will you be deceived or permit your next-door neighbor or your saluting friend to be deceived any longer by such thin devices and demonstrations? Will you be humbugged or fascinated, or permit your associates to be hoodwinked or enchanted, while John Sherman plays the role of financier, and his implements receive the highest honors at his hand, in the house of the executive; and Carl Schurtz abides in the same circle under a man he specially singled out as especially unfit to be President —sitting there under a conditional contract; while every evil genius that lent a helping hand to the Conspiracy has audience, and boasts in turn a thorough and intimate friendship with the ruler they have made in spite of the constitutionally registered verdict of the People?

But before I proceed further, right in this connection, let me have my first hearty word in congratulation on your organization. You have taken the initiative in the work of organizing which ought to be followed in every other county in California, and for which you must have the credit of pioneer enterprise and wisdom.

Your organization will be the channel for communications, and furnish the forum for debates that must undeceive hundreds of worthy people. Among the methods for such a needed business under your auspices, I shall venture to select and to submit some that seem to me most judicious.

You call me here to speak. And so, at the outset or within your preface days, you declare a good work of vindication. I say this without acknowledging the compliment or the flattery that exists in the fact or form of the invitation.

Who is to labor for the people, with the people, in these degenerate days? Let him be named quickly and squarely. It is the honest politician. Come now, let us look at him. It is the day for plain speech upon the subject. I may turn your gaze to better men than I have a right to class myself with; to stronger minds than I profess to exercise in the service of the people as a politician; but I am not immodest in the hope and belief that none of my respected associates in the field have more of sincere devotion or relentless will in the cause of Democracy. Let that stand as my introduction to this section of the address.

My friends, here is one and there is another person continually prating about the "filthy pool of politics." And here is one man and there is another regularly engaged in declaiming regretfully about his own hesitancy, and everybody else's reluctance—the general and notorious reluctance of good citizens—to enter upon the labor of forming and managing political conventions.*

* I use the very phrase of the disparaging talkers and writers, that there may be no mistake in my allusions.

There is the contempt of the "Independent Press"—which is invariably the press of the lobbying corruptionists of the country, except where the managers have themselves a separate and exclusive scheme, in any particular department; or where the Nobility heads of the Corruptionists will not pay the fee or promise the contingent demanded by this "Independent Press." There is the constantly reiterated contempt of the papers that come boastfully under this caption, against "Politicians," and especially against "Ward Politicians," and "Politicians of the Street." Let us inquire into this matter, for it is important.

Probably, unless you interest yourself in the first processes of the canvass, the strong opportunity for your personal influence is gone; you will not have acceptable men in your local or county conventions; you will not secure nominations and expressions of political faith and doctrine in accordance with your best judgment, and, I will presume, in consonance with the views of a large and honest majority. Of all miserable, flagrant, and as it seems to me, self-evident contradictions in life—being citizens here as we are—of all sickening inconsistencies of public speech, defend me now and forever against hearing, and protect me in reading, these stereotyped tirades against politics and parties, and the men who engage everywhere, under the proprieties, in the debate of the political issues of the day, and participate in the preliminary and consummating management of political associations, which are to carry out—if ever they are put in practical operation—the written principles of a free government.

Politics are as we make them. I believe and insist that it still requires an adjective or a challenging context, to really stigmatize a politician; that is, such addition for such a purpose is necessary, outside of the "Independent Press." The first definition of the word in every dictionary makes the appellation a credit to any man; and if popular odium has been smoked into its syllables, the wholesome word should be rescued from the down grade of signification, and returned to the original excellence of isolated meaning.

The more thoroughly a community is interested in politics, within the due and decent limits of life as those boundaries are understood by us all, the more certain the outcome of worthy men in office, bound by a clear and formal pledge, and obligated by the still more binding rule of their own sense of honor, to protect and foster the rights of the whole people. "Takes too much time from private business?" Why, it is your time for your country. "The effects of the associations and excitement are dissipating." Why, you all make up the associations; and experience on the soberest page of history preaches the healthfulness of the magnetism and the interest and the enthusiasm that is in such labor and convocations. Most of you have gone home better men from the halls of political disputation, consultation and arrangement. I appeal to you if it has not been so? There is more "dissipation" in the theatre and under the spell of the merriment-making minstrelsy than in your club assemblies. And your wives may have a greater assurance of your respectable whereabouts, if you promise to come here, than during the long evenings you have regularly appropriated for "the Lodge."

And what is the evidence and demonstra-

tion of this great gathering here to-night? A spectacle for the "Independent Press" to weep over! Leading opponents desiring to know what is meant by this meeting, in what seems to them the mid-winter of our discomfiture. A glorious testimony this to your patriotic sympathy, resolution and hope. And will you not be able to say, setting aside all consideration of the poverty of my paragraphs: "For the greetings and the mutual and the personal benefits to us as citizens of a common country, it was good for us to have been there"? Yet, every one of this vast audience is here as a practical politician.

Why, if you are to accept the daily editorials of these metropolitan "Independent" newspapers, and those who relish and repeat their saw-dust sentences, the maxim "Eternal Vigilance is the Price of Liberty" should be ignominiously stricken from the table of patriotic proverbs.

Fellow citizens: Have we any other way of effectively displaying our Vigilance save by our action in the political arena? Why, sir, sometimes I have feared, amid the whizzing of unpleasant epithets shot by the influential "Independent Press" at every man, and at all classes and clubs of men, who "engage in politics," followed by approving recitations from many weak-minded creatures in the wake of the "Independent Press,"—I have feared lest a majority of our people actually forget what kind of Government we are credited abroad with possessing—a Government of the people, for the people, by the people.* It is our imperative duty to engage in politics; so much so that—other things being equal—given the ordinary opportunities of mankind in this country—it may be said that he who does not directly interest himself in politics is unworthy the legacy of free institutions.

But let us come close, and, if possible, conclusively examine this subject, with two or three illustrations which touch the extremes of constant interest and devotion, in the equally honorable, yet confessedly widely contrasting service of politics. They may give us an analysis and a test of the whole practical question of privilege and duty in the premises—something that will justifyingly abide in our memories. Can we not set in the pillory these whining, snuffling, cringing, crawling, every-way mean and mercenary fellows who "run" the pretentiously "impartial" daily press of our principal cities—serving the monopolies always, always, always, with the Pecksniffian editorial squeak, "Hi! hi! hi! that's a politician, that's a politician, that's a politician; and that's a *bhoy!*"—[this last is considered a crusher]—"Hi! hi! hi! If you want to know who you ought to vote for, hear us! Read what we write! We don't care for politics or politicians. We're unbiased; we're pious, we are!"

Is not the wealthiest man in Placerville, proportioned to his profits and his risks and his pecuniary expectations, profoundly interested in obtaining and perpetuating good government? Do not his most selfish considerations impel him to take an active part in the management of political affairs; to that end, making it his business to ascertain the first proposition for organization in his precinct or ward, in the party to which he may be attached? Has he not an original place in the councils of the people, where he will be gladly received by associates and friends, and where his advice and suggestions and protests will be heeded, and made most effective by their timely utterance? The more completely intelligent, responsible men in any community fill the measure of reasonable attention to politics, from the very commencement of a canvass, the more certain is honesty of dealing at the polls and general excellence of result from the final ballot. These things do stand on end before our unvexed vision.

And yet the statement of that which seems to you, perhaps, with all that has gone before to concentrate our thoughts on the subject, a very truism, is combative against the deprecating and denouncing and exiling cry of "The politicians! the politicians! the politicians! Cursed be they!"

Ah yes: You wait and receive your instructions from the metropolitan "Independent Press"—the blackmail organs of the Corruptionists—when the tickets are all made up. Either go, under such dictation, for one candidate or another, or join an Independent Organization, which shall be avowedly and excludingly controlled by the managers of these hermaphrodite journals. Have you not had enough of this sort of thing in the State of California?

An enlightened pulpit tells men of wealth and men of learning to be at the first political consultation room, and early at the primary polls; and when, after a campaign is over, the "Independent Press" has to relieve its shoulders a little, by shifting the water bucket, we actually have essays to the same effect from that delectable quarter!

In other words and in short, when you come down to the actual proprieties for the people, you find that all competent citizens are equally and impressively called upon to assemble and discuss and plan and agree *at the beginning* of a political campaign; and that in so doing every man ranks himself "a politician;" and that in thus being a politician—if he is a sincere man—he is none other than a patriotic American citizen.

With Independent parties you may come to the same result on the same basis. The management may be the same in some instances; or you will have platform and nominations from a secret conclave of self-chosen delegates to a nominating convention or committee. Under some circumstances, in some localities, for one term there may be benefit assumed or proved from such an organization; but the experience of a century in this Republic has demonstrated that such organizations do not beget or bring about lasting reforms. More money has been stolen in San Francisco by office-holders who were nominated and elected under the banner of political Independency, than during the administration of Democratic and "Republican" rulers in that city. There is as much of distasteful record in State archives against the Independent-party men management as can be brought forth in criticism or censure of either the Democratic or Republican parties, who have

* In re-reading this speech, before sending it to the printer, I have been compunctiously reminded of the fact that it is hardly possible to dwell upon the character of the Administration that recently has been, and now is, without constantly, inadvertently, using words and phrases that imply an absolute Ruler, rather than a Republican President. The battle of the Democratic party is for a President of the People, and a Ruler only against those who have been, and now are, public thieves.

been in power during the same or a longer period of time—comparing the same number of years.

You must bear in mind that I am speaking now with reference to political duties of the citizens, as against the arraignment of all political parties. If you wait until nominations are made, announcing that you will vote for "the best man," or for the ticket that has the largest number of candidates whom you consider to be the "best men," you put yourself in the vocative. You may be obliged to vote for some men whom you do not think fitted in any respect for the office to which they aspire, or you will be compelled, in common parlance, to throw your vote away; or you may in a fit of disgust relinquish your right of sovereignty for the year, and refrain from approaching the polls.

But again the piping voice of the echoer and rostrum-representative or star-chamber delegate of the "Independent Press" is heard: "The politician!" "The politician!" "The politician!"

If it be claimed that what I have said amounts to a discursive meditation, not directly in reply to the challenge and the characterization and the condemnation that is intended and is given by the shout which has been quoted, I reply:—It is well to get the underbrush away, so that there cannot be any misapprehension or mistake when we do come flat up against the mammoth exclamation points of the whited-sepulchre pharisees of the "Independent Press." Let us be sure what they mean, when they are put in a corner to interpet their own libels upon the common people of this Republic.

Now they will tell us: "Why, the politician is a man who goes around the country, from city to town, from town to village, addressing whosoever will come to listen on the political questions of a political campaign." And they will flatter themselves by adding in substance—these managers of the "Independent Press" will so write—that they have done a very handsome thing; that they have exhibited great condescension and good nature, in granting such an explanation, in such subdued and decent phrases.

Is this politician a bad man? He may be. He may be a hired talker, without principle, without conscience; speaking on either side of a political issue according to his reward. You and I know such bad men in the State of California. I know a dozen such bad men; always ready to don the mantle of political Independency.

The common people understand the ethics of this matter. A lawyer may defend a client whom he knows to be in the wrong, and be thoroughly justified in so doing. But no man can mount the stump and advocate political doctrines which he does not believe, without meriting every opprobrious epithet which legitimately belongs to the "Independent Press." The dictionary is open for private indulgence, and we pass on.

My friends: there is no difficulty in making a right discrimination here. You and I know, after a little observation and trial, in this little State of California, who are true men and who are false. We know in our own respective communities where the honest man lives, and where the man without conscience and without courage has for the time being his political headquarters. Does a citizen rise into prominence as a candidate for official station? His record is well known or easily ascertained. And notwithstanding the libels that will be published against him, if he be a true anti-monopolist, a substantially just appreciation of the man is within the lines of your convenience. Fellow citizens: honest men do not fail to meet and form each others' acquaintance, and thereafter know and love each other as they pass and repass and sojourn, in political as well as in commercial circles—in California as well as in Connecticut. We all hate the dishonest politician, the Political hypocrite, the venal pleader of the stump.

But "The politician!" "The politician!" "The politician!" Who is he that goeth about seeking whom he may devour; and against whom the apostolic balms-of-a-thousand-flowers that do dwell at San Francisco and publish the "Independent Press" are so much incensed? You have every facility for seeing what manner of man he is. Is he your enemy or your servant? Is he your foe in ambush or your friend on the open hill-side? Some particulars as to the real individual will be appropriate. Very likely he is a man of very large family, as poor men are apt to be, and in this has a commonly accepted title to respect as an earnestly and deeply interested supporter of home rule. Very likely he has a great and almost uninterrupted task in his calling, his trade or profession, under which he must struggle with all his might to win bread for his household. Very likely, he is not better nor worse than the average of his fellow citizens. But he has been brought up by his father, whose memory he cherishes, to love the literature of his country; and his duty has been marked and mapped therein. He was taught by his mother—a sense of whose affection dwells like summer sun-shine in his heart—that he must in all places and on all occasions, when he shall have become a man—with due circumspection as to the fitness of things—manifest his loyalty to his free country;—never, never foregoing clear opportunity to exhibit his grateful and combative zeal in behalf of the institutions of civil and religious liberty. He has been instructed and nurtured in the scholarship of the fact, the simple, the living, the duty-suggesting fact—which seems to be ignored a thousand times in this country for every occasion when it is practically recognized—that his country belongs to him; that its laws and its powers and its privileges are literally a part of his inheritance; and that all its wonderful and gentle beneficence develops and involves corresponding obligations against him. And common sense persuades and convinces him that if he has the ability to speak effectively to his fellow citizens on the political issues of the day, as he finds opportunity or has the occasion made for him—with reasonable respect for the more imperative demands of life—he must go abroad and stand up for the right, as God gives him to see the right. Woe is upon him, if he proclaim not the political truth, and the just expediency for the present, and the warnings that ought to be sounded;—even as the message comes to him in the watches of the night!

The labor of the politician who is called by his own sense of duty and the welcome of his fellow citizens to speak from the platform, is hard labor. It is not pastime. It may be that he would prefer on all personal account to be at home with his wife and babies. Though he loves to greet in the

market places; and though when he goes down from his residence in the mountains, he is strengthened by meeting the people who dwell in the valleys and in the seaport cities, or is refreshed and made glad when he shall have gone up from the metropolis to the inland plains or foot-hills or mountain sides or summits, and discoursed before the inhabitants who have their dwelling places there, yet is his service hard work; if his speech be worth the hearing. It is not mere recreation.

It is not pleasant at times—it is taxation upon every faculty of the mind, it is strain of intellectual skill and stress of nervous force, —to lead a conversation by natural lines away from the topic that pleases him well, from the subject that he most delights to hear discussed by the man beside him;—it may be, from the theme of science or art, of invention or discovery, of poetry or architecture;—it may be from the contemplation and interchanging of helpful views on the commonest mutual concerns, other than political;—away, away, around to the subject of politics, local, State or national. But duty may admonish and compel the conscientious politician to do this, ten thousand times during his active life.

The politician may have no ambition outside of his toil-worn profession. Yet he will be stigmatized all the same. Or he may have a just and laudable desire to be accepted by his fellow men as one worthy to bear rule —as the measure of a ruling power is committed in this country—that he may bring about governmental reforms. Is he to be respected the less on this account? Let the din of the "Independent-Press"-talk die out for a moment, that you may fairly see who the politician is; and what he really assumes to be.

A sound politician in this country is among the best of patriots. And he who joins in the wholesale scoffing at the politician does not know what he is talking about, or does not care what he is talking about; or desires for some sinister purpose to set some particular person aside from the path of popular promotion; or wishes to discourage the holding of public political meetings, or attendance thereon, in order that the people may have their officials named for them and their laws dictated by the mercenary wretches who control the most licentious journals on the face of the earth,—ranged under the captivating heading of the "Independent Press."

Of course, there are hucksters and traders who largely if not exclusively engage in the business of politics; oftentimes acquiring a livelihood and sometimes obtaining riches in office. They make merchandize in the temple. But when you come to trace their history, you will almost invariably find that they have been "made," built up, before the people, by this same "Independent Press." We know these men at home. Intelligent citizens who study politics and political movements are not deceived as to their character for any great length of time. And while Jeffersonian clubs will afford proper and special opportunity for the display of true political sagacity on the part of every member, frauds will be discovered and rebuked here; and from hence discoveries and rebukes against all sorts of political frauds will go forth with enlightening emphasis, reaching through the county and the State, and striking with no diminution of force because of the distance of the target on the high priest of all frauds, the chief among thousands and altogether despicable—Rutherford B. Hayes, the fraudulent President of the United States of America.

"I am a politician," wrote Thomas Jefferson, in 1814, "I always have been a politician; I glory in the name; according as my strength and opportunity may be, I shall contribute my labor to make the name and the occupation it imports more and more honorable, until the day of my death."

But, perhaps, forced to graciously excuse the class of "politicians" I have delineated, as the habit of the non-partizan organs of the Corruptionists is to confess and concede and avoid, when they are put in a corner: the cry may now be "The *Ward* Politician!" "The *Ward* Politician!" "The B'hoys." Shuffling around, or changing from a general call, the "Independent Press" will tell us that special contemptuous reference was intended for the men and youths who gather nightly during a political campaign, in ward club rooms and party wigwams. Well, what of them? There are loafers everywhere, in every public place; and as a rule, in San Francisco and Sacramento, (from which places I can speak from observation,) these waifs, young and old, are regularly bought up by the Radical party managers,—unless an "Independent" party management comes in to compete, and carry off these voting prizes.

But what of the men and "b'hoys" that "hang around the Democratic ward rooms?" I have put this searching question directly to the shrieking slanderers, many and many a time. How many "b'hoys" are there, to be so complained of? Name them! And invariably the reply has brought forward no more than one name for each ward:—perchance because it was not prudent to risk the naming of any more, lest it be disclosed in rebuttal that the extra men were really the hired attaches of the pretentiously pure Radical or Independent organizations? But the one fearful example that is brought forward: what of this ward politician or wigwam "b'hoy?" Why, he is a janitor for the building. Every church must have a sexton, or some one acting in that capacity. The large churches in the towns and cities must have a sexton in daily attendance. Every bank must have a porter; every large store must have a teamster; every large family must have a servant. So simple are the parallel occupations. Some one must prepare a hall for a political assembly; some one must provide or arrange seats, if they are not stationary; some one may be needed to procure fuel for fires within and without the building, to light the lamps, and see to it that there is a table and a pitcher of water for the officers and speakers. And if these assemblages are repeated, these services must be repeated; and if they are regular and frequent, the services must be continuous during a canvass. Labor of this kind implies the want of a laborer; and all labor is honorable. Some one must do it. In doing this, the result will be the awful spectacle of a man or youth in constant or regular attendance at the town or ward hall hired by a party for party meetings. The Pauline injunction that requires everything to be done decently and in order commends this attendance and labor. And yet the name of this honorable servant is the solitary sure victim of the indicters of the "b'hoys," in nearly every instance.

Sometimes—and it always should be the

case—newspapers and magazines are supplied for one or more tables in a political club-room, and citizens gather to read the publications there spread out or filed. Let these men who "run" the "Independent Press," go into our club-rooms on any one evening, and take down the names of persons who gather there for reading and for fellowship salutations and conversations, and print those names under one of their editorial diatribes against "ward politicians?" They dare not do it. The list would expose their slanderous declarations or inuendoes,—by virtue of the well-known respectability of the persons so arraigned.

Of course, there are bummers in all our cities and towns who will lounge in and around places for public assembly, if there is anything to be gained by them in such expenditure of their time. That proves nothing in defence or justification of the sweeping accusation that we have been examining. Strange to say, there are thousands of worthy people, among those who take a morning or evening paper that claims entire impartiality in political matters, who at breakfast or dinner accept as Gospel truth the grossest libels against their fellow-citizens,—libels that are all duly classified under the caption "Ward Politicians," and that are met and dissipated by a simple inquiry and ascertainment such as I have indicated.

All this editorial outcry is intended and calculated to bring all political club meetings into disrepute, in order that wrong may triumph in the absence of sifting public discussions and the lack of party discipline adapted to the enforcement of just principles through the forms of legislation. This motive is at the bottom of these daily flings and jeers and sneers at the American Politician.

Take your political views from a venal press, and go into secret camps over which the conductors of that press or their ancient agents preside, and agree to this and that programme and ticket, and you will be heralded as "good men for the state," in the journals of the monopolists.

Be he rich or poor, learned or unlearned, the man who deserves the title of American Politician is a hard-working, conscientious citizen.* If there are no patriotic politicians, then there are no political patriots in the land.

These "b'hoys," in nine cases out of ten, are thoroughly honest young men. I have known them to reject offers of thousands of dollars rather than desert a party standard or a personal friend in politics, when they were very poor and could not expect any reward for their faithfulness. Will any man of respectable reputation venture to say as much for one of these cat-footed, breath-bated creatures who publish "Independent" daily papers in metropolitan cities? Produce one such indorser! He cannot be found.

Select by lot a given number of political orators, and ask them to stand up in public in any community where they are well known, and take the same number of "Independent Press" managers, and bid them stand up side by side, in a row on the opposite side of a platform, and I will invite and abide a judgment on any basis of inquiry that involves consideration of personal record or political intelligence or patriotic devotion or general moral character. I would solicit and abide a verdict from any jury of respectable citizens, or a decision from any modern judicial tribunal in this country, of which I have had any definite knowledge,—always excepting the eight perjured scoundrels who composed the majority of the Congressional Electoral Commission.

Here, in Jeffersonian clubs, let every member be recognized and honored as a politician.

I congratulate you, people of El Dorado County, because in the early days of the year, when you can claim dispassionate thoughts and purposes in your councils, you have come together upon the articles of political association which you have published. From hence may the power of true political enlightenment go forth. From hence may you depart, when the sessions shall close, from time to time, with your memories supplied with pertinent facts and suggestive inquiries, and your minds braced with wholesome, patriotic, Democratic resolutions—having the temper and strength of your political affiliations and determinations enhanced an hundred fold, as the open political truth passes from one to each and each to all. May your young men be instructed and encouraged here to take their full share of interest and responsibility in the field of politics. They are needed in the present contest. We look over the catalogue of laboring political orators, and mark our deficiencies, and wonder and hope concerning the supply of sensible and effective speakers. You must have young men unto whom a political sage might well address a call "because *they are strong*." My attention and rejoicing is marked at each recurring visit here, on my sketching diary: "Beautiful girls and a manly lot of boys in El Dorado County." And with your appropriate and fitting incentives for participation in political debates, we may expect soon to witness here the coming forward on the public rostrums of your own sons, garlanded by the hands of the fairest daughters in the commonwealth—educated, equipped, valiant and invincible soldiers of the Democratic faith. Happy shall I be if I am permitted to bid them All Hail! to a championship in California of the cause of constitutional liberty. Nor shall I fail, if I survive unto that occasion, to remind them of what they must owe to patriotic mothers and patriotic sires, and to every political elder and associate who gave them the first recognition and summons in the Jeffersonian clubs of their native district.

Undoubtedly, if we had had Jeffersonian clubs, organized as is the one here represented, in every county in this State, in 1876, California, despite all the ballot-box lifting in San Francisco, we would have rolled up ten thousand Democratic majority for the counted-out President-Elect, Samuel J. Tilden, of New York. Then would have been extended to Mississippi and North Carolina a class of Radical maneuveres similar to those that were successful in Louisiana and Florida.

With such reflection, which is unavoidable

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* "Parties are necessary to a country. They make men love their country. They make them forget selfishness, and inculcate patriotism."—*Horatio Seymour.*

"It is true that parties are necessary. Nothing can be done, even in bringing public opinion to bear on affairs, unless men act together, vote together, come together to agree upon certain principles. It is true, also, that there is such a thing as unselfish adherence to a party, in the honest conviction that its success will promote the welfare of the country."—*William Cullen Bryant.*

at this moment, let us proceed to glance at one or two points in the history of the canvass in the "disputed States." We will take up for briefest consideration matters which do not admit of reasonable dispute before any ordinarily well-informed meeting of American citizens. We may notice some matters that have not heretofore received the emphasis that is due, even in a concise consideration of the main facts.

In the midst of the campaign a call was sent up from two of the Southern States—South Carolina and Louisiana—for the intervention of the Federal Government against "alleged acts of insurrection." Examined under the light of precedent, the call for troops did not in either case justify the sending.

The troops being called for and sent under the interpretations of the Attorney-General of the United States, congratulations poured into the President's office from Democratic as well as Republican sources. Leading Democratic journalists, who had recently given special personal attention to the condition of affairs in South Carolina and Louisiana, differed in opinion with prominent Democratic statesmen of the East respecting this very matter. And this point was made by the former, in conspicuous and telling paragraphs: When the election shall have taken place in South Carolina and Louisiana, whatever may be the result, it never can be claimed with any show of decency that the Republicans were intimidated in either of those States. And the leading Republican journalists of the country assented to that statement and proposition.

These troops were stationed at all points designated upon the map by the managers for the Radical party in the States of South Carolina and Louisiana. There was no complaint of inadequacy in the number of the soldiers that were dispatched by President Grant to the States we have mentioned.

In addition, in the State of Louisiana, the Radical United States Marshal had full license and authority to appoint as many deputies as he deemed necessary or expedient.

The Radical Governor of South Carolina publicly and repeatedly boasted that with the aid which he had obtained from the general government, a large Radical majority for himself and for the electors of Rutherford B. Hayes might be said to be absolutely guaranteed. I give the substance, and I believe I recite the words of Governor Chamberlain, of South Carolina.

Now, without going one step further on the unquestioned record, where is the man of ordinary intelligence and the slightest claim to a character for honesty, who will stand up before the audiences of 1877 and assert that the stories of intimidation in South Carolina and Louisiana, brought up since November 7, 1876, from the fertile shallows of Radical invention, have any possible basis in truth? If the whole review stopped here, what ought inevitably to be the conclusion and the verdict of rational men?

But we have other general testimony, which takes in the whole scope for conscientious doubt in the premises.

When Governor Chamberlain of South Carolina announced that there was a reign of terrorism throughout that State, every leading clergyman in that commonwealth, including the Roman Catholic and the Episcopal and the Methodist Bishops, voluntarily signed a protest against the gubernatorial proclamation to which I have referred—stating in effect that the Governor did not speak the truth, and that the alleged terrorism did not exist. In the State of Louisiana, immediately after the report was made by the John Sherman committee of liars, every leading clergyman in the city of New Orleans and adjacent parishes, including the Bishops of the Catholic and Episcopal and Methodist denominations, voluntarily prepared and signed a statement in which one important portion of the Sherman report was challenged and denied. And in this statement these clergymen united in declaring before the world that if the Radical carpet-baggers would desist from their devilish work of exciting the colored people to suspicion, and to acts of hostility against their old white masters, a perfect peace would speedily follow and be established throughout that commonwealth.

Look at this for one moment. Suppose that Aaron A. Sargent and Newton Booth and Frank Page should rise in their places in the national Legislature at Washington, on the same day, and announce that there was a reign of terrorism in the State of California; stating that the cause of this unhappy condition of affairs was owing to "democratic bull-dozing" in the principal cities and towns of California; stating, if you please, that the beginning of this unhappy condition of affairs was to be traced to imprudent executive interference and suppression in the city of Placerville; where a man by the name of Blanchard, with two or three other members of the same church, and one colored boy of seventeen years of age and not quite an idiot, undertook to give vent to their religious indignation and the spirit of moral horror with which they had been inoculated by the simple process of receiving letters from Senator Booth and Representative Page,—concerning the counting of the Cronin vote. It had been attempted to hold a public meeting in Placerville, whereat a man by the name of Blanchard and two or three other members of the same church and a negro boy of seventeen or thereabouts, not quite an idiot, proposed to pass a series of resolutions denunciatory of Governor Grover of Oregon, for his reported action on the Electoral vote. Suppose Senators Sargent and Booth and Representative Frank Page should on the same day at the Capitol, in the city of Washington, rise and set forth the above as a statement of fact; and then should proceed to say that the Governor of the State had ordered out the troops, with General McComb at their head—displaying twenty-one feathers in his hat—to prevent and suppress the intended religious indignation meeting at Placerville, proposed by a man by the name of Blanchard with two or three other members of the same church, and a negro boy who was not quite an idiot. Suppose Sargent and Booth and Page should rise in their places in the national Legislature, on the same day, and represent that from this beginning, popular dissatisfaction and dissension had spread all over the State: and that it had then been discovered that every Democrat was a member of a military league, and was armed and equipped as the law directs that military men should be. Suppose Sargent and Booth and Page should represent that the ultimate outcome of this excitement was a perfect reign of terror from Modoc to San Diego, from the Mendocino lighthouse to the Colorado point-

ing end of the Southern Pacific Railroad Company's embankments. Suppose this outline should be filled in with details of outrages and tragedies in three score towns and villages in California. Suppose it should be represented that the lath-and-plaster castles of Leland Stanford and Mark Hopkins were in danger of the torch from some villains in a mob that was surging on Russian Hill in San Francisco, and demanding a reduction of fare on the Oakland ferry. Fill in the picture with innumerable fitting incidents, dangers and threatenings. Suppose that you sat in the gallery of the U. S. Senate, and heard this account as it was delivered at Washington. Suppose that immediately after you had listened to such a report, you read a completely authenticated telegraphic dispatch from California, signed by Bishops Alemany and Kip and Amat and O'Connell and Wingfield and Peck, and by the leading clergymen of the State, denying in whole and in part the statements—of the character indicated—made by Senators Sargent and Booth and Representative Page: Which statement would you believe, and what would be your opinion under such circumstances, as to the veracity of our United States Senators and Mr. Leland Stanford's favorite Congressional flunkey?

Go down to Louisiana! You know, and every man, woman and child among you knows, that the Bishops of the Roman Catholic and Episcopal and Methodist churches in that State, have regular and frequent and intimate correspondence with representative clergymen in every parish of Louisiana. And when these men, who have been consecrated in the highest ecclesiastical chairs, declare that an important portion of the John Sherman report is an unmitigated libel—gratuitous and infernal—whose testimony are we to take?

There were in certain parishes of Louisiana a given number of duly registered citizens. Within the councils of the local government as well as under the advice of outside party managers, a sewing machine circular was ordered to be sent through the post-office to the address of a large number of these qualified voters. In every case where the circulars were uncalled for, or not taken out of the post-office box, non-residence was adjudged. This is the statement as it comes from the Radical managers themselves. But under this artifice almost every registered Democrat addressed is said to have been disfranchised,—whether he received and responded to the sewing machine card, or neglected or failed to take it from the carrier or the office.

Prior to the election, the Governor of Florida congratulated his people upon the perfect peace and the absolute freedom that existed throughout that State; and yet even there it was sought, after the electoral vote had been taken, to raise the cry of intimidation!

Hon. William J. Purman, Republican Congressman from Florida, stated on the floor of the House, Tuesday, Feb. 13th, 1877, that, "It is a fact, sir, which I cannot stand upon this floor and deny, and which every man, woman and child in my State knows, that Florida was lost by the Republican party in the late election, and that the Democratic Governor, and the Tilden Electors were truly elected." Mr. Purman continued, by saying: "I make this declaration under the most solemn sense of public duty, and from an irresistible feeling of obligation to the people of my State, who have a right to expect that however partisan their representative may be in his political faith, he should at least on questions of public fact be an honest man. But, sir, I would not be understood in making this declaration as laying claim to any unusual amount of honesty or conscience, but I only assert my knowledge of the facts. I love the principles of the Republican party, and for their sake have been singed by the fires of martyrdom, * * * but I cannot return to my State and look my constituency in the face, if, standing upon this floor and in the presence of the American people, anxious and entitled to know the whole truth concerning this dangerous presidential issue, I shrink from the responsibility of doing justice to my State, and defending her honest political victory against the willful perversion of a bold, dishonest and unscrupulous State canvassing board. Should my Democratic colleague in this House introduce a resolution here declaring that the St. John's River had its rise in the southern portion of our State, flowed northward for hundreds of miles, and emptied its waters into the Atlantic Ocean, I would be compelled to support the affirmation of the resolution, for the reason that I would know the statement to be true, being personally acquainted with the geography of that country. Therefore, for like reason, am I compelled to give assent to any declarations which have been or may be made upon this floor, that the Tilden electors were truly elected in Florida, and that only by "ways that are dark," and tricks that in this case have not proved to be in vain, were those electors, and a majority of the people of the United States, defrauded out of their fair and lawful victory. But facts plainly expressed carry with them their own just weight, while jugglery performed with a number of facts only increases the task of explanation, without changing their character or relative weight."

The daily *Florida Union*, of Friday, December 29th, 1876, the leading Republican paper in the State of Florida, published the following:

"If Marcellus L. Stearns was fairly and honestly defeated in the recent election, then, so far as the electoral vote of Florida is concerned, it belongs to Samuel J. Tilden. There is no getting over or around this fact."

The Radical bosses have obtained another four years' lease of Federal authority by means that fully justify all that has passed into common speech concerning them. And they do say that they are entrenched in national power for a generation; and so in very truth they are, if the people do not rise and rebuke and overthrow, according as opportunity from this day forth is vouchsafed. Let us not disguise the fact or postpone our efforts. If, during the present and the coming year the elections in the various States in the Union do not show an unmistakable vote of censure against the method by which this Administration came into ruling position—and show this by an immense aggregate popular majority—it *will* appear that the bold and unscrupulous men who have seated a fraudulent President did not make a false estimate of the intelligence and sense of justice in the breasts of the masses of our people.

There is a stand-point for morning reflections from which one may be disposed to doubt the possibility of such a future success as the Radical managers profess to expect; notwithstanding the chances supposed to be slumbering in a "policy" that may sacrifice all of consistency, all of former "principles,"

and something of their former practices, to gain or recover favor with the people. A million majority in the white vote, a plurality against the Returning Board candidate of 250,000 ballots, and an absolute majority over all for the Democratic nominee of not less than 160,000 votes, would seem, under any heavens but those of brass, to leave no lingering shadow of a shade of a color of prospect for another national success in behalf of the Conspirators.

We see plainly already that some of their strong reliances are on a lavish expenditure of money for jobbers, who are coming from the four quarters of the country with a purpose, under the name of "internal improvements in the South," to rake the National Treasury; and on tempting offers of official stations to influential men in the Southern States who have up to date been identified with the Democratic party. But I think and submit, that before all, and above all, the Conspirators place confidence, for their outlook, on the disheartenment of incorruptible, leading men throughout the Union, and the supineness of multitudes who, without any particular self-consciousness of discouragement, are yet under a spell of indifference,—as though they were on the fabled enchanted ground of the Leopards, where the victims could neither cry out nor muster faculties of will to offer resistance. The parlor and cloak-room and kitchen cabinet counsellors of his fraudulency hope that these classes of men will refuse or neglect, *during the next two years*, to participate actively in the political affairs of their neighborhood or State. And after two years, it will be too late! too late! Alas, alas! too late! Verdicts will then be said to have been received from polled juries, approving deeds done and commending any promulgated or pretended programme for the remainder of the Administration term. And although the sleeping, or slothful, or hesitating Democrats thereafter rally and come stoutly to the front, their numbers and attracting strength will be more than counterbalanced by the accessions to the Radical ranks of many men of many minds, once and now with us, who will judge, and change their allegiance, on account of the popular decision, so asserted to have been rendered.

Now it is, in considering this last described ground of reliance for future victory and continued power in Radical hands, that we have especial cause for thankfulness and cheering sentences in the presence of the local Democratic clubs of California; beginning with the first thoroughly prepared working association of the class—the Jeffersonian Clubs of El Dorado County.

For one, I have no fears of the openly and much-talked-of bribery of the Democracy of the South, by a few railroad bond appropriations, or a score of Presidentially endorsed schemes for river and harbor and canal and public building improvements. The men who fought four years for the cause of the Confederacy, and made all possible sacrifice therefor, are not going to sell their honor or trade off their political manhood for a mess of pottage. It is not necessary to say, every morning, noon and night, that the Democratic Senators and Representatives from the South won't "bargain" on matters of National right and propriety. Leave such vindicatory speech to the courtiers of Rutherford B. Hayes.

I deprecate here and elsewhere every kind of secret, oath-bound political society in a Republic, in time of peace. I care not what is the specified object of such societies. They are anti-Republican, and full of danger to our country. Locally, they are usually brought under the substantially controlling direction of unprincipled old bilks, who are paid for the votes they can eventually bring out of them, or through them, in support of the monopolists' party. I am jubilant over the exhibition of discipline and unanimity in such an open political association as that in which you are enrolled.

Here you should have—here you will have an effective distributing and focalizing business and power. It is needed; it is every way to be commended.

Look back a little. Our thoroughly trustworthy among the trusted leaders of the Democratic party in the East—reliable in every point of integrity and ability—those who did not either wittingly by or mistake give our cause away—called out during the last five months for a public expression of sentiment from the prominent "Republicans" who declared in private conversations that Tilden ought to be inaugurated. An open expression of hostility to the plans of the Conspirators at Washington was solicited. Our campaign captain and elected President, in the modest way that became him, recommended that mass-meetings be held in every city in the nation, at which the sentiment of the people on the result of the election should be formally and emphatically made known. But his words of recommendation were only half reported to the country, and speedily smothered by the cunning of the Radical managers, acting in and through the Associated Press Bureau and the Western Union Telegraph agencies. With the aid of most unwise Democratic lieutenants, who seemed to be eventually brought completely under the influence of the serpents of Radicalism, [how they must repent their folly!] the mass-meetings that were held in some of the central States, in obedience to the advice noted, were, in one way and another, made to appear as of a timid and temporizing character; and assemblages of people who believed the Democratic candidates duly elected that were arranged to be held in this State, and elsewhere, were virtually suppressed. In San Francisco, prominent "Republicans" would have acted as officers of a mass-meeting called to demand the inauguration of Samuel J. Tilden; and at one time provision was made for a rally of the people, with this purpose, at which Hon. E. D. Sawyer would have presided, and Judge O. H. Pratt would have presented the resolutions. If there had been such a meeting held in San Francisco in December, or the early part of January last, Samuel J. Tilden would have been President of the United States. Fifty thousand citizens would have answered to a summons to attend—from San Francisco and the adjacent localities—and the voice of the people, so ascertained at one time, would have been almost as the voice of one man in demanding the inauguration of the candidate who had plainly been chosen Chief Executive of the Nation—Samuel J. Tilden, of New York. The direct and reflex action of such a gathering would have been tremendous, in arousing the honest citizens of the East.*

* It was represented in the East, by the various "Independent" news agencies of Zach Chandler, Jay Gould & Co., that Californians

O, it was a cruel spectacle! "Congress looking at the people and the people looking at Congress"—each watching the other! In the midst of the agony of disgust provoked by the picture, reminding some of us, I am sure, of those familiar occasions when "Mr. Pickwick looked at Mr. Snodgrass, Mr. Snodgrass looked at Mr. Winkle, Mr. Winkle looked at Mr. Tupman, Mr. Tupman looked at Mr. Pickwick, and then they all looked at each other!"

"Waiting for the 'Republicans' to enter disclaimers and protests?" Why, if there had been a concert of action on the part of the Democrats, in obedience to the advice for mass-meeting demonstrations in every State, the "Republicans" would have come in with us at our first, second and subsequent gatherings by the tens of thousands. More than one hundred influential "Republicans" of this State—men of prominence in their respective localities—have said to me that they were surprised and chagrined at the stupidity—as they termed it—of the Democracy of California, in the matter of neglecting to call such assemblages as we have been considering. It may be that the gentlemen in our party, in this State, who labored most effectively to maintain that "masterly quiet" insisted upon by our San Francisco twin "Independent" papers, will have their appropriate reward of retirement from party leadership. We shall see?

All is: that it is the ever-to-be-lamented record, that it came to pass that eventually the judicious and necessary advice and recommendation of the master mind was set at nought; and Democratic division generals in California, who did not mean to be in complicity with those who were ready, on grounds of jealousy or revenge, or for promises of future "support" by Republican detachments, to give us away, were smitten with the simples (this is the charitable way to account for the matter,) and the time for effective and irresistible demand by the people for the people, in behalf of a people's choice for a President, slipped away!

The Western Union Telegraph Company and its Associated Press News Bureau, and their organs, the Independent Press—being as well the organs of every other monopoly that will pay them their price—insisted, from day to day, that the people ought not to say a word, or lisp a syllable, in a public meeting, in regard to the openly threatened usurpation of the highest office in the nation, with all its power and prestige; that all protesting speech was foolish, all demanding language wicked; even declaring that all criticising suggestions against the doings and purposes of the Senators and Representatives and monopoly chiefs who were avowedly at work carrying out a Presidency-stealing job, was unbecoming, and altogether to be deprecated by everybody. And garbled extracts from Eastern Democratic papers were circulated by telegraph, calculated to convey the same opinion and injunction.

So the beginning that was actually made for a decent and proper, and as it must have proved, a conquering demand for the inauguration of the President-elect—a beginning that was recorded in Indiana and Illinois and Missouri—was a fit beginning that had short course and was not glorified; the end coming suddenly, under a fog-bank thrown up from the sewers of Radicalism—a most lame and impotent conclusion for a splendid patriotic commencement of agitation and assertion in behalf of the people's sovereign right in this Republic of ours!

"O, that mine eyes were water and my head were a fountain of tears!"

After it became evident that this suppressing policy would prevail, many discriminating persons were without wonder for all the easy legerdmain which resulted in officially inviting the fraud from Fremont, Ohio, to come to Washington, accept the hospitalities of the eulogist of the Louisiana Returning Board, "walk to church"; and before the sun-shining hour appointed for the inauguration of any honestly chosen executive, take that which was not his own, and swear to it, —on a Sunday night, in the White House, a few minutes before John Sherman for the first time put him as a pretty little pious "President" in his pretty little stolen trundle bed.

You know, my friends, that to-day the Radical Dukes and Marquises do banquet over the success of their management in this important particular, this essential department of their Conspiracy:—because they and their immediate aid-de-camps prevailed upon many of our field marshals to discourage and, oftentimes, as far as possible to forbid the advertising of public meetings, at which the programme would have included resolutions insisting on the inauguration of the President elect, and speeches urging the unanimous signature to articles of organization adapted to an ultimate conditional physical support for the letter and the spirit of the resolutions. So was lost the people's appeal and demand. So passed the opportunity for the people to make known that sentiment which undoubtedly at one time existed, in intense military form and force, within the breasts of at least six millions of the most stalwart men among the number of the voters of this country: ready to sing out in public halls or, if need be, on the tented field:

Shall not the man the people chose sit in the ruler's chair?
Shall any traitors hope to place another person there?
Let knaves of every grade and school of such a scheme beware!
For Tilden of the Empire State and Hendricks of the West
Shall take the seats assigned to them by popular behest.
And if the Chandlers, Goulds and Grants their threatened programme try,
And think to cheat with tricks of count, and then with arms defy,
Six thousand thousand citizens "will know the reason why!"

From the cause dwelt upon, I know that many are depressed beyond all description. Not at the banditti bravery of the Mortons and Chandlers and Goulds, not so much at the insulting conduct of the chief magistrate

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were "almost unanimous" in "demanding peace at any price," and that if the vote was retaken, Hayes would receive ten times his recorded majority in the State! After the inauguration of Hayes, one of the most venal of the "Independent" papers in San Francisco—the *Bulletin*—said in substance that "undoubtedly a majority of the people are now in favor of Hayes!" Day after day, during the four months of "anxiety," telegraphic despatches from California to the Eastern Press declared "a rising sentiment in favor of Hayes' inauguration!" Were not the people outrageously misrepresented and deceived?

who ordered the regular army and the marines to Washington with a thinly disguised intention of brow beating, intimidating, or incarcerating the majority in the House of Representatives; not because of the magpie chattering of the A. A. Sargents and the Eugene Hales, and the other unclean birds and creeping things—of the same date and class in creation—that belong to the Radical camp, and now and then, for a diversion, are allowed to obtrusively appear in the front of a general exhibition;—not because of any or all of these provoking or nauseating facts or theatricals—but because of the enforced inaction and the compelled silence of the masses at the opportune moment of time.

Such an organization as the one whose grand county meeting you hold to-night, will dissipate the faint-heartedness of hundreds of Democrats in El Dorado County,—I verily believe. Similar organizations throughout the State would lift to a proper level of expectation and corresponding personal resolution and energy tens of thousands of voters, who by their knowledge and conscience, as made known to their neighbors and friends to-night, or yesterday, or but a little while ago, belong for the first year in their lives to the Democratic Party.

How the suggestions crowd in as one attempts to outline an address for an occasion like the present. Many things are pressing for mention: for edification, for indoctrination, for arming, for stimulants to a vigilant and ceaseless warfare.

I can suppose myself a member of such a club as this, in the city of Placerville; and imagine that in their semi-monthly meetings there are half hours set apart for strictly instructive reading.

Suppose that we hear read at one of our first meetings in the month of May, the report of the committee that went to New Orleans at the request of the chairman of the Democratic national committee. We have all read it for ourselves; but it will bear—nay, it requires—re-reading now. Well delivered, impressively recited, as it ought to be in one of our meetings, it will occupy about one-half hour of time. It is indeed worthy of a reading where there shall be a union of minds, simultaneous, upon its paragraphs. And I can conjecture that after its reading, specially prepared copies will be distributed among the listening people: to provide for home reference and re-perusal and separate neighborhood circulation.

Why, my friends: among the statements which evince desperate anxiety to escape from under the rising force and flame of public sentiment, I have heard this credited to the chief Conspirators: That the fraudulent President or his cabinet dry-nurses have expectations that ex-Senator Trumbull and ex-Governor Palmer and ex-Congressman Julian will be won over—or as they phrased it, "won back"—to the ranks of the Radical organization. And hearing this, I retired to read the conclusion of this identical report, signed by these men; in which they say:

"It is an admitted fact that Mr. Tilden has received a majority of a quarter of a million of the votes at the recent election. This majority is ready and willing to submit to the minority when constitutionally entitled to demand such submission, but is unwilling that by an arbitrary and false declaration of votes in Louisiana, the minority shall usurp the power. With the law and such facts before us as have been disclosed by the action of the Returning Board, we do not hesitate to declare that its proceedings, as witnessed by us, were partial and unfair, and that the result it has announced is arbitrary, and entitled to no respect whatever. Fifteen years ago, when Fort Sumter was fired upon by men who sought the destruction of the Union a million of patriots, without regard to party affiliations, sprang up to its defense; will the same patriotic citizens now sit idly by and see a representative government overthrown by usurpation and fraud? Shall the will of 40,000,000 of people, constitutionally expressed, be thwarted by the corrupt, arbitrary and illegal action of an illegally constituted Returning Board in Louisiana, whose wrongful action heretofore is in all respects similar to its present action, and has been condemned by all parties?"

It is a powerful document. It was prepared by men who spoke of that which they did know and testified to that which they had seen. And their account and their judgment of these matters shall pass into the folios of undisputed history. Let it be read before us—this first Louisiana report—by one of your boys; let it, and the statesman-like rhetoric of its authors and their associates published in different places during the past five months, become the store-house of language from which our children shall select their patriotic declamations at exhibition displays of their historical knowledge and oratorical art.

At another meeting of the Jeffersonian Club there may be read by some of your accomplished elocutionists, judiciously made extracts from the lengthy and exhaustive report of the House Committee which went down to Louisiana. Perhaps an hour will be greatly improved and *enjoyed* with such a reading; repaying you for all your time and attention; giving lively zest to your re-reading of one of the printed copies of Morrison's Statement, that should then be distributed for your own and your neighbors' library.

At another meeting of the Jeffersonian Club, in Placerville, or in Coloma, or in Georgetown, the report of Congressman Thompson on the Election in Florida would furnish attractive and entertaining text for reading. It is one of the best specimens of direct statement, and clear, practical and logical deductions, that I have ever taken to my memory. And when you know that its author, the Hon. Charles P. Thompson, of Massachusetts, has been hitherto regarded by his fellow Congressmen as one of the most conservative Democrats in the lower House, and has always been considered to be one of the most cautious of men by his associates and acquaintances at home, since the day when he joined our national party, you will have the correct basis for appreciating the intense vigor of his characterization of the action of the Returning Board of the Orange Grove State. According to a life-long reputation, he is one of the most moderate and conservative of men. And yet such, in his judgment, was the enormity of the Conspiracy of the Chandler and Morton band, that, at the close of the last session, he was one of the foremost Congressmen in the company of those who attempted to defeat, by every species of legitimate parliamentary tactics, the consummation of the Electoral Commission Swindle. Every man in old Massachusetts who knows Congressman Thompson will tell you, that for probity of character, for well tempered devotion to

everything that is worthy and just and lovely in community affairs and intercourse, he is without superior in the Commonwealth. Thank Heaven for such a man from New England in the last Congress of this country! My own native New England! For which I have cried out in bitterness of shame, because of the Blaines that have come there to dishonor and disgrace, because of the piping Hales, and the lying Hoars, and the brutal Butlers, and the craw-fishing Dawes, and the railroad Rollinses, and the high-falutin' Hawleys. Come now: despite the Cant that has seemed to be fastened on the nation by the usurper and his chaplains, I will even dare to believe that you will join me in declaring that a devout thanksgiving is due for such a Congressman as Charles P. Thompson, of New England!—that New England which cast 289,000 votes on the 7th November last for the man whom a majority of the whole people and a constitutionally authorized Electoral College did proclaim President of the United States. Let the words of Congressman Thompson in this report on the Florida Electoral issue be the page for an evening's reading here. And I beg you, see to it that from here, and from every other Jeffersonian Club in your county, his report goes forth into all your mining camps and your vineyard villages; bearing upon it your special invitation for a full and candid reading.*

Ah, these Conspirators shake their hands in derision and shout: "What are you going to do about it?" So said Boss Tweed; until the reformer and the student in Grammercy Park produced the figures, from the intricate tables of rascality, which called for and justified the warrant that put the arch-robber of New York under prison discipline on Blackwell's Island. "All the tirades of the daily press"—says the Professor of political economy in Yale College—"against Boss Tweed and his associates, would have had no more effect upon him or them than the sprinkling of an April shower on the back of a rhinoceros, if Samuel J. Tilden had not sat himself down and studied out a specific indictment. The people of New York and of the United States are indebted to one man only for a wholesome personal answer to the sneering inquiry of Boss Tweed, 'What are you going to do about it?' The name of that man is Samuel J. Tilden." When I shall again be asked, in terms or in substance, "What are the Democrats going to do about it?" I shall point them to a model organization in the mountains, where a work of popular instruction and proper party discipline has been commenced and is going on; making sure, in one section of the State at least, a verdict all-sufficient in response to the irony and the insult of the political Conspirators and the national plunderers in San Francisco and in Washington.

And one night, even if it be an evening when there is much business, you may well spare the time to hear read the speech of an honest "Republican" Congressman from Massachusetts, on the subject of the Louisiana count. I do not refer to President Seelye of Amherst, whose remarks in refusing to sanction the Louisiana count were evidently intended to please both sides, and principally served to disclose the fact that he is a good representative of that marrowless faction of so-called statesmen in every commonwealth, who delight to classify themselves as the Too-good-for-any-party-affiliation. I refer to the speech of Hon. Henry L. Pierce of the Old Bay State. Read it! For he gives no uncertain sound in his direct allusions to the eight perjurers on the electoral commission. In that speech he says: "The rule which the Commission has laid down for the determination of this question is one which I cannot conscientiously endorse. * * * The most careful conservator of State rights would never have objected to an examination by Congress, or by any other national authority, so far as to ascertain whether the electors who sent their votes here to be counted had been chosen and were qualified in the manner provided by the Constitution and laws of their State and of the United States. * * * If these are not matters which the representatives of all the people, authorized by the Constitution to count the votes and declare the result, can inquire into, then this Government stands on a very insecure foundation. I cannot give

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*Presiding Justice Clifford, of the Electoral Commission, in his decision in the Florida case, said:

"Neither the public nor the citizens have any power to defeat the machinations of fraud, perjury, and forgery, if the measures adopted in this case [by the Democrats of Florida] are held ineffectual and insufficient."

Mr. Justice Field, in the same case, said:

"The country may submit to the result, but it will never cease to regard our action as unjust in itself, and as *calculated to sap the foundations of public morality.*"

No one of the Justices in the Commission dared to say or write that Florida was not recorded for the "Republican" Electoral ticket by "fraud, perjury, and forgery"; and yet A. A. Sargent declared in the U. S. Senate—and even declares in his hotel in San Francisco—that the vote of Florida was honestly given to Rutherford B. Hayes! The fact is, these Radical managers imagine that because Hayes has acknowledged Hampton and Nichols, all the sins of the Conspiracy are or will be forgotten or forgiven by the people. The Radical managers believe that the masses of the people do not now care a straw if the Florida vote was stolen by "fraud, perjury, and forgery," in a manner "calculated to sap the foundations of public morality." And by instructing or encouraging Ben Wade, and men of his stripe, to go on the stage and howl at his Fraudulency, and by instructing all the Radicals and "Independent" city dailies to "moralize" against old Ben, they expect to make tens if not hundreds of thousands of good people oblivious of the facts, and the example referred to by Justices Clifford and Field in the opinions quoted. Will they succeed? That is their "game." Since this speech was delivered, Hampton and Nichols have been "recognized," and Jim Blaine has given signs of another farcical anti-administration demonstration in the U. S. Senate: the farce to "come off" when Congress meets, *provided* the scolding letters and speeches of Ben Wade & Co. shall not have had the sufficient intended bamboozling effect on the popular mind!

(As for Wendell Phillips, he can be relied upon to scold any Administration that yields in any degree or for any purpose to a demand for the rights of the people of the Southern States.)

The Question remains: Is there to be judgment set up and executed against the Conspirators who, through "the machinations of fraud perjury, and forgery" stole the votes of Florida and Louisiana from Tilden and gave them to Hayes? Or, are *we* to aid in "sapping the foundations of Public Morality," by sending back to the U. S. Senate and House of Representatives, associates and messengers in the Jay Gould, Zach Chandler, O. P. Morton and John Sherman Conspiracy?

my assent to any such declaration. *It is contrary to good government; it is contrary to good morals; it tends to weaken the hold of the Government upon the respect and confidence of the people, and the party which gets office by its adoption will be a party founded on a principle dangerous to the perpetuity of the Government.*"

And on one night—if not frequently—you will, I trust, have a half hour dedicated to the public reading of the protest of the Democratic Congressmen against the counting of the Louisiana vote for Hayes.

And a half hour of another evening shall be devoted to the reading of the declaration—now on the imperishable record—of a large majority in the lower House in Congress and a large minority in the Senate of the United States, to the effect that according to the vote proved to have been cast by the people, the citizens of the United States in the constitutionally prescribed mode and manner did not choose Rutherford B. Hayes to be President of the United States, but did choose—with an added overwhelming popular majority—no other than Samuel J. Tilden of New York. And this declaration, appropriately printed, should be framed and set upon the walls of every Jeffersonian club in the State of California.

One night might be well spent in reading chapters from the biography of one of the greatest Jeffersonian statesmen now living—the President elect of the United States—Samuel J. Tilden of New York.

And one night, if not on many nights, there should be reading from one of the many biographies of Thomas Jefferson of Monticello.

On one evening it would be well if you should have discussed before you the subject of A POSTAL TELEGRAPH. I wish I had the opportunity to do that service in the city of Placerville.

The people of the United States should enjoy the benefits of the invention and the improvements in electric telegraphy. It is strange beyond all computation, that an invention evidently intended as the common letter carrier of the earth, should in this country be held in the clutch of a pitiless and rotten monopoly. I ask you to study this subject for yourselves.

There is no conflict with Jeffersonian principles in the proposition to establish a postal telegraph department. If we had a postal telegraph in this country, the "Independent Press" of San Francisco would no longer possess exclusive privileges in the receipt and publication of Eastern telegraphic dispatches; and you and I, if we were otherwise competent for the service, could establish a Democratic daily in any city on this coast, with the same business prospect that is now possessed alone by the newspaper managers who will consent to be the creatures of the monopolies of the land.

The first overland telegraph line, from Sacramento to Omaha, was absolutely paid for by subsidies from the national and State governments. Cyrus W. Field has said that the net earnings of the Overland Telegraph Company during the first year of its operation amounted to more than the sum total of its cost.

You can send a telegraphic dispatch of twenty words from one end of Great Britain to the other for a sixpence. When the lines in England and Scotland were purchased by the Government, the cost of a similar dispatch was three shillings, and the promise of a reduction to the present rates was then popularly regarded as an extravagant prophecy of cheapness. Instead of being an expense to the British Government over and above receipts, for all time—as was also prophesied—the income now exceeds the expenditures, and the convenience of the people has been sought and satisfied by thousands of miles of new lines, and an every way more skillful and regular service.

You can send a telegraphic dispatch across the Atlantic cable by the strength of a battery concocted in a lady's thimble. In the city of Boston, for many years, the compound of acids, after it was exhausted for electric use, was sold for more than the original cost of the simples.

These are but specimen facts, taken from an immense array, which combine to make up and enhance this marvel of the age: the discovery and the invention and the cheapness of working, being marvelous, but the submission of the people to the extortions and other outrages of the Western Union Telegraph Company, being the matter of supremest amazement.

Competition will not cure the telegraph monopoly; A POSTAL TELEGRAPH affords the remedy—immediate, perfect and enduring.

I give you only hints on this subject, and quit it with reluctance.*

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*The same "argument" that protests against Government control and management of the telegraph is just as good for a plea in favor of abolishing our present Postoffice system, and leaving the public to be served, in the conveying of letters and papers, by Senator Hannibal Hamblin's special clients, to wit; the Express Companies of the country. At the command of these Express Companies, (in which the Central Pacific Railroad monopolists are now large owners) Senator Hamlin slyly slipped an amendment into the Postoffice Bill of 1874, which *doubled* the postage on occasional newspapers and magazines, merchandise samples, etc. *Newspaper* postage, under the imperative demands of the people, expressed through their Democratic Representatives and Senators, was restored to former figures, by the succeeding Congress; though the restoring amendment was withheld to the very last moment. How much do you think the Express Companies would charge for postage, if the Postoffice Department of the United States was abolished? Doubtless they would charge in the same proportion of extortion that is now suffered from the telegraph monopoly.

By an Automatic Telegraph, 500 words a minute can be sent The telegraph monopolies *suppress inventions;* and try in all ways not to let the mass of the people know how much of a Cheap Convenience which belongs to the people, they—the telegraph monopolies—are holding from the people.

Jay Gould is trying to get control of the Western Union, and so he lets down the tariff a little on his few rattle-trap wires. There will be no adequate, permanent reformation in this business, except by a Postal Telegraph. We ought to be able to send all our business correspondence by telegraph at the rate of one cent a word as the maximum. That charge would *pay,* under a Complete Government system of Postal Telegraphy. Such a system would furnish employment to tens of thousands of boys and girls, and men, now needing and seeking employment. By the aid of readily learned methods of cipher, our communications by telegraph would be inscrutably private. With a POSTAL TELEGRAPH, every country newspaper, as well as every city daily, would be able to present its readers with the very latest news, *in original dispatches,* from

My friends: when we reflect upon the comparative lack of organization in the Democratic party in this State, when we consider the immense advantage which the Administration forces, strictly speaking, possessed in 1876 throughout this State; when we take into account the tremendous persuasive and oftentimes, and whenever necessary, coercive power of the railroad monopoly in this State,—with its 8,000 employees, and its uncounted dependents who are not on its regular rolls; when the power of co-operating monopolies, national and local, are considered—the Western Union Telegraph Company, the Alaska Fur Seal Company, and the like; when we put our lowest figure for the contributions that came here from abroad for secret distribution where the sums would do the most good; when we try to realize the effect upon the minds of strangers in our midst—and good men of little general information who were accustomed to be spoon-fed by the editorials,—of our San Francisco "Independent Press"; when we consider all these things, we may well be astonished that even the lifting of the ballot boxes in San Francisco and the exchanging therein of several thousand votes in favor of the Radical electors, was necessary to secure a majority in this State for the party of fraud—we may well break into exclamations of profound amazement, because the record of California for November, 1876, does not stand 27,000 majority for the Radical ticket, instead of 2,700.

The Radical managers in this State repeatedly prophesied an eight-thousand majority for their ticket in San Francisco; and unquestionably they expected fully that vote in their favor. They foretold 20,000 majority for the Hayes electors in the State; and they confessed a sore disappointment when the cipher for thousands was dropped from their tally. We have cause for congratulations over the manifested character of the masses of our people—we have great reason for encouragement—when we put aside our sackcloth, and look the table of the 7th of November squarely in the face. We must rise from the contemplation of the figures with the conviction that a better organization would have given the Democratic party a victory here, last fall, notwithstanding the immense leverage of the Conspirators in their labor to control and corrupt the voters of the commonwealth.

You are the first to take practical action, founded I presume—at least in part—on such a review, or stimulated to some extent by such a retrospect. Though such organizations as are now proposed should always have been a characteristic of this State, let us even be glad if grievous experience has taught us the necessity. You have begun and continued in this work of organization from the new year time unto this day: and I know of no suggestion from without, other than the general provocation of the season, that has brought you to this work and aided you in the accomplishments thus far—which are sufficiently indicated to me in this magnificent audience here to-night.

But I am here to congratulate you. And I am here to say, as I look over your numbers, that you must have surprised yourselves by the success of your efforts, as it can be, in one sense, estimated to-night.

I congratulate you! You have taken the right name, I venture to declare; not speaking with patronizing benediction, but in a spirit of respectful commendation.

The name! None other belongs so closely to your duties and your privileges. "JEFFERSONIAN!"

Right now, of all other times, should the biography of Thomas Jefferson, be read by the voters, and especially by the young men of this country. Randall's biography with its copious notes is the most complete; the history of his domestic life by his granddaughter is the most fascinating; the compendious story of his labors by Parton, is the most effective presentation of his invaluable services to his country, and, all things considered, the preferable record for the perusal of the American citizen of 1877. That life will present to you such parallels and suggestive approximations of events—read in the warm glow of your recollections of the Political deeds at Washington during the last few months—as will startle you with their instructive significance. The biographies of Thomas Jefferson should be upon your tables. There are chapters in his life that deserve to be read and re-read in the Jeffersonian Clubs in this State between now and the days of active campaigning.

We should be reminded that in the year 1800 an effort was made to count in a rival candidate for the Presidency, by ways or with agreements that were not strictly honorable, —though bearing no proportionate relation to the enormous fraud which we have recently witnessed. The effort was made in the very presence of Jefferson himself, as he sat in the chair of the Vice-President. An "Expedient" was proposed which had something of the moral flavor that scents the operations of Morton and Chandler and John Sherman; and to that reference is made in one short paragraph of the biography by Parton,—reading as follows:—

"But unhappily there was a fourth expedient contemplated, which was fraught with peril to the country's peace. It was proposed to pass a law devolving the government upon the chairman of the Senate (to be elected by the Senate), in case the office of President should become vacant. At once Jefferson declared, in conversation meant to be reported, *that such an attempt would be resisted by force.* Said Jefferson: 'The very day that such an Act is passed, the Middle States (i. e. Virginia and Pennsylvania) *will arm.* Not for a day will such a usurpation be submitted to.'" "'I was decidedly with those,' Jefferson explained a few weeks afterwards, 'who were determined not to permit it. Because, that precedent once set, it would be artificially produced, and would soon end in a dictator.'" I read from Parton's Life of Jefferson, page 578.

Elected to be Vice-President in 1792, he directed his nearest friend, James Madison, to prevent any demonstration on his arrival at Philadelphia, to take the oath of office. But despite all precautions in the direction desired, the hour of his arrival was ascertained, and a salute of 100 guns was fired in his honor, beneath a banner which bore this inscription:—"Thomas Jefferson, the friend of the people!"

Called by the people to be President in 1800, he began his career as Chief Executive by abolishing all court etiquette, and by declaring in the most explicit terms that he considered himself the servant and not the master

all parts of the country, at a nominal cost to the publisher.

of the people, and that the policy and practice of his administration would be based on that theory. He pardoned all persons who were then incarcerated under the sedition laws, and announced his hostility and his contempt towards all legislation bearing the stamp or the color of the alien and sedition enactments.

In asking this and that distinguished gentleman to enter his cabinet, he expressed in that calm, modest, sententious manner which was all his own, a desire to remedy notoriously existing evils in the administration of the affairs of the nation, by a careful and exclusive attention to the business, until that work should be measurably accomplished; and he deplored all interference with the reserved rights and prerogatives of the people as citizens and sovereigns in separate States.

Of his Secretary of State, he could say that "with consummate powers he united pure and spotless virtue." And a comparison between that Secretary and an unscrupulous and tricky New York lawyer—a defender of adulterous ministers, and the advocate of the claims of a fraudulent President, who thereafter promotes him—will be appropriate and inevitable with such a reading.

For Secretary of the Treasury, Thomas Jefferson appointed Albert Gallatin, a native of Switzerland, a learned and practical scientist and financier. The contrast that will be here suggested is between a master in finances and a shallow pretender to financial scholarship. Looking in another direction in the present cabinet, we may say that the contrast will be instituted between a foreign-born patriotic gentleman and statesman on the one hand, and a foreign-born soldier of fortune and political charlatan on the other. Thomas Jefferson appointed Albert Gallatin Secretary of the Treasury, because the latter had demonstrated his fitness for the office by his speeches and his works. Of the latter it may be said that the direct benefits, in one of the greatest manufacturing interests of the country, remain with us to this day. Albert Gallatin did not in 1800 give original expression to the belief that John Adams should be elected President of the United States because of his demonstrated fitness for the office, and then sneakingly seek the shades of Monticello and make a conditional bargain for his campaign-support of Thomas Jefferson. The character of these two gentlemen forbids the possibility of entertaining a suspicion of such an occurrence.

Albert Gallatin was a foreign-born fellow-citizen and a cabinet minister of whom we may be proud. He landed on the shores of Massachusetts in 1780, with a thousand dollars of his own in his pocket—a large stock of money for those days. He at once went to Machias, in the district of Maine, and enlisted a company of volunteers, and expended his guineas in furnishing his troops with indispensable supplies. He was elected U. S. Senator in 1793; but was refused admission by the Senators who at that time were feeble prototypes of the Hipple-Mitchels and A. A. Sargents and Jack Spencers and Jim Blaines who now exercise a similar autocratic authority with reference to certain Democratic Senators from the West and the South. They made a technical point as to the time when Gallatin became a citizen; and men who had not expended a dollar in money, much less suffered the loss of a drop of blood for their country, during the Revolution, voted out of the count for Gallatin's probationary years the period when he was literally engaged in battle for the freedom of the confederated states! Subsequently elected to the House of Representatives, Albert Gallatin exerted himself to the utmost in opposition to the alien law; but the Federalist majority, in breach of all gentlemanly propriety, laughed and coughed, and stamped and scraped their feet, until he was obliged to retire from the discussion. Thomas Jefferson is said to have remembered this scene when, two years afterwards, he sent to the Senate of the United States the name of Albert Gallatin, as his nominee for the office of Secretary of the Treasury. Against such a nomination, the Sargents and Hipple-Mitchells and Mortons and Spencers and Wests and Blaines—or rather, their distant and imperfectly developed political ancestors—protested and hissed in vain.

The soldier, the scientist, the financier, the statesman: such descriptive titles in all their comprehensive and glorious significance, belong to Albert Gallatin, the Secretary of the Treasury during the administration of Thomas Jefferson, President of the people, by the people's choice: precisely as these terms do *not* belong to John Sherman—apologist for ballot-box stuffing and disfranchisement of citizens and States, defrauder of the rights of the people of this country as expressed in all majorities, main supporter of the Returning Board fraud at New Orleans, and praising champion for Madison Wells, in the Senate of the U. S.; and fitly enough! (though to the infinite disgrace of the Republic) "Secretary of the Treasury" for his delicate and pious highness from Fremont, Ohio — who now cuddles, and sips lollapop, and plays Old Maid and Dominoes and Hunt-the-Slipper, in the White House, in the city of Washington!

Levi Lincoln was Jefferson's Attorney-General. For many years prior to his appointment he stood at the head of the Bar in Massachusetts. Altogether, he was just that sort of a man, in his professional and his personal character, that never would have done dishonor to the old Commonwealth by accepting any such position, or any official station whatever, under a Chief Executive whose title to the Presidency was founded on a felonious taking of other people's property.

For Secretary of War, Jefferson appointed Henry Dearborn, of Maine. In 1775 Henry Dearborn was a village doctor in New Hampshire. The day after the news reached him of the battle of Lexington, he was at the head of a company of sixty men, on his road to Cambridge. He went with Arnold to Quebec; and was noted as among the bravest of that incomparably courageous army, who through the borders of starvation, dragged their bodies to the St. Lawrence, and after a short halt for recuperation, made the ever-memorable attack on the plains of Abraham. He was with Washington at Yorktown, and witnessed the surrender of Cornwallis. He was a quartermaster in the army whose accounts—embracing the expenditure of $120,000 in money—came through a sifting investigation without a cent of ascertained deficit. He was twice elected a member of the House of Representatives: and one of his colleagues, of the opposite party, speaks of him as the public man who was "pre-eminently fitted for the post of Secretary of War"; the enumerated list of his qualifications exhibiting those characteristics and

points of ability for which the Belknaps and Camerons have not been distinguished.

Robert Smith, of Maryland, was appointed Secretary of the Navy, by Thomas Jefferson. The President said that he made this appointment with a high appreciation of the fact that no man in the country knew more about a ship than Robert Smith, of Maryland:—a manifested respect for practical knowledge adapting him to his department which would naturally excite some merriment in the councils of Grant and his fraudulent successor; for Ulysses appointed a Secretary of the Navy who confessed that he did not know the difference between a back-stay and a belaying-pin; and Rutherford has chosen for the same office a man who is reputed to be fully as ignorant respecting the make of a seagoing vessel,—whose life has been spent in an inland valley, a thousand miles from seashore, by the side of a creek, where a ship was never seen, where a schooner was never built, and where for months in every year the tad-pole and the Wabash cat-fish divide the honors of the navigation.

Gideon Granger, of Connecticut, was appointed Post-Master General by Thomas Jefferson. His familiarity with the details of his office were as close and clear as is the acquaintance of the most thorough man of business with all the particulars of his private trade. There were ingenious attempts even in those days to rob the treasury through the postal department; but contemporaneous testimony is given by members of the opposing party, that Gideon Granger never allowed a contractor to impose upon him by false bidding or inefficient service.

Read the life of Thomas Jefferson. Read the history of his administration. I proclaim that it will refresh you and stimulate you as patriots; and rising above the contemplation of the present, it will make you proud of the past and hopeful of the future of your country. It deserves your resolution to study it, Young men of El Dorado County. It is the history that fits with pungent and searching emphasis the present juncture of our national affairs. Read it! Begin as far back, at least, as the time when Jefferson compiled his manual of parliamentary proceedings; wherein these words stand forth in capital letters: "When the private interests of a member are concerned in a bill or question, he is to withdraw." A rule which still remains as law in the estimation of gentlemen in the two Houses of Congress; but which has notoriously been abrogated so far as Ben Butler and Colfax and Sargent and Jim Blaine and Morton are concerned; and which, it now appears by undisputed testimony, never had any application to the Representative whom the fraudulent President specially desires for his "leader" on the floor of Congress—him of the hard-shell sect and flabby countenance—him of the fancy periods and solid bribe-money—Garfield, of Ohio.

Read the biography of Thomas Jefferson! Liberty had a new era, Freedom had a wonderful growth during the administration of Thomas Jefferson! And as I speak these words, an hundred illustrations come up abreast for sketching. Let one be heard to-night.

In former years a man of the highest scientific attainments, a clergyman of unexceptionable character, was driven from his parish in England by superstitious neighbors. During his absence from home his house was set on fire, and a vast amount of labor in mathematical calculations and reviews in physical science was brought to nothing by the conflagration. The rabble that surrounded his dwelling and applied the torch to its doors, threatened the life of this worthy man and eminent philosopher. His name is high on the ineffaceable roll of practical scholars and beneficent discoverers. In his experiments, he had made the discovery of oxygen gas. In his independent study of law and human rights, he had become a thorough republican, in the broad political sense, long before he was banished from his native land. I speak of Joseph Priestly. Jefferson attended his church in Philadelphia, so long as the national capital was located at that place. Against this man, the bitterest sectarian bigotry of the country had been directed and concentrated; and even in this country, in the city of brotherly love, he had been subject to insult on accout of his religious opinions, and threatened by numerous anonymous correspondents with personal violence, if he dared to remain and persist in preaching after a given day in the same month on which the communications were written. Thomas Jefferson knew these facts. The first letter that he sent from the Presidential mansion, after his inauguration, was one of invitation and entertainment to Joseph Priestly, of Philadelphia!

The same spirit was exhibited here that was made prominent in all the articles and correspondence relating to his beloved University of Virginia. And in this spirit, with all its exemplifications, Thomas Jefferson's memory is to be hailed as that of the man who is the legitimate father of the Democratic party of to-day.*

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*In a note in his autobiography Jefferson says, referring to Declaration No. 16 in the Virginia Bill of Rights, adopted June 12th, 1776: "I proposed the demolition of the Church establishment and the *freedom of religion.*" When that declaration was made Jefferson himself was in Philadelphia, but he communicated his propositions through his friends, Geo. Mason and James Madison. He says that "In giving this account of the laws and declarations of which I myself was the mover and draughtsman, I by no means intend to claim to myself the merit of obtaining their passage." Then speaking of Mason and Madison.

When the Virginia Bill of Rights was passed, every other State in the Union or Confederacy had proscriptive religious tests, which were retained for many years thereafter—some of the original States holding a portion of these tests in their organic law unto this day. Declaration No. 16, (sent by Jefferson to Madison, and by the latter presented to the Virginia House) reads as follows: "That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity toward each other." Dr. John W. Kramer, in his "Free Church and Free American State," says of this: "It is a remarkable Declaration. *Here is the key-note of the separation of Church and State.*" Having reference, also, to the fact that Madison presented Jefferson's Declaration in the Virginia House of Delegates, Dr. Kramer says: "Jefferson's Act, adopted in 1777, and which became the law in 1785, is very like a father's fondling of a child, at whose birth he was not present."

George Ticknor Curtis, in his "History of the Origin, Formation, and Adoption of the Constitution of the United States," (Vol. II, p. 479)

The era of perfect religious toleration in this country began with the administration of Thomas Jefferson. Not to Jim Blaine, of Maine, not to Ulysses S. Grant, of Galena, do we owe one jot or tittle of this sentiment, so deeply and ineradicably imbedded in the breasts of the American people; nor do we require from the hands of either of these male scullions and harridans a constitutional barrier against the intrusion of any one religious sect upon the rights of all; for against the real spirit of ostracism that is in such a party as Blaine and Grant do fitly represent, religious liberty will be maintained, so long as this nation shall remain a Republic, by the faithful political children of the Sage of Monticello.

Under Thomas Jefferson a true civil service was inaugurated and established. Not a bureaucracy; such as is maintained in the monarchies of Europe, and such as the shallow demagogues in the cabinet of his Fraudulency propose to transplant to the Republic of North America.*

Most of the newspapers that were published in this country in the year 1800 were under the control of Federalists, and the abuse and slander which they poured forth against Thomas Jefferson have been frequently referred to as something remarkable. And there were Independent journals — so called — in those days, edited by the Frank Pixley class of free lancers; whose conductors hoped then, as their lineal descendants expect now, to obtain some sort of a sop or subsidy from a new administration, by candidly professing a disinterested disregard for all political principles.

The question of judgment as to the right and wrong of the conduct of the leaders of the Radical organization and the representatives in the national Legislature, is brought directly before the people of California at this time, by the announcement that one of the principal actors in the grand drama of fraud, the second act of which closed with the inauguration of Hayes, is a candidate for re-election to the U. S. Senate. I am glad that the sharpness and seriousness of our inquiry is enhanced by the fact, that this man, who was elected to the Senate by the Central Pacific Railroad Company, after obtaining a suspension of criticism

says: "In 1774 * * * the brain of Jefferson had already evolved *religious equality*, and Virginia's action *furnished the restrictions which went into the Constitution of the United States.*"

* These frauds in the Cabinet of his Fraudulency retain all the Grant-gang of thieves in office, and appeal to them for instruction in a Civil Service Reform Council! The indicated *rule* of Civil Service Reform by the frauds in power in Washington is absolutely anti-republican. On the same *rule* all our subordinate State and county officers should hold office for life.

The various organs of the Corruptionists, the "Independent" or "Republican" mouthpieces of the Railroad and Telegraph monopolies, have been fierce, of late years, in their advocacy of what they call "Civil Service Reform." It was a good side topic to howl over, as a relief on an editorial page from monotony of pleading directly in behalf of Railroad Rights, etc., and, in a general way, served to buoy up the pretence of "devotion to the best interests of the people." It has been customary for these "Republican" and "Independent" Railroad organs to refer to the "pernicious doctrine of rotation in office," "first announced without qualification by Jackson." As the managers of these organs never read a decent book, and as their penny-a-liners dash off their copy at a general hurrah without regard to any text of history, the citizens who are exclusively fed from their editorial columns are apt to forget the truth and fall into all sorts of foolish error and unjust judgment. Now, at this time, when it is sought to fasten a beaurocracy on this nation, let me refresh the minds of my readers with the words actually used by Old Hickory in his original publication of the doctrine that "to the victors belongs the spoils." Please read:

"There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpracticed man would revolt. Office is considered as a species of property; and government rather as a means of promoting individual interest, than as an instrument created solely for the service of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may rapidly qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit, therefore, to your consideration, whether the efficiency of the government would not be promoted, and official industry and integrity better secured by a general extension of the law which limits appointment to four years.

In a country where offices are created solely for the benefit of the people, no man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is matter of right. The incumbent became an officer with a view to the public benefits; and when these require his removal they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are employed by the millions who never held office. The proposed limitation would destroy the idea of property now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system."—[*From President Jackson's First Annual Message to Congress.*]

Now John Sherman & Co. appeal to the big thieves in office as to how they shall best introduce Civil Service Reform. Now John Sherman & Co., under the stress of economy laid upon them by a Democratic Congress, turn out the men and women who have occupied the little clerical berths of the Government at Washington—the very class that should least "suffer" from the principle of Rotation in office—and retain the experienced thieves in large-salaried and equally supernumary offices. And in some instances workmen are turned out from service at the capital—with a shriek of "Reform" and "Economy"—and fat contracts immediately thereafter given to New York and Philadelphia firms of banknote engravers.

The proclamation to the effect that Civil Service Reform has begun with the Order of Retention in office in behalf of the principal Grant Plunderers of 1869-77, is a most remarkable document! As Parke Godwin prophetically termed it, it is "indemnity for all the felons and rogues who infest and pollute the public offices."

by declaring his "unalterable purpose" not to aspire for a re-election, has exercised his privilege of reversing his own decree of retirement. As the general issue is unmistakeable, explicit and imperative, so the particular contest with us touching individuals is now immediate, direct and vital.

If the people of the State of California are again "represented" in the upper House of Congress by A. A. Sargent, it will be said that a majority of our citizens fully and to the last letter of action and intention, endorse the various movements that culminated in the inauguration of the usurper. And I say again, in this connection, that although we may plead that the monopolies, with all their methods strained to the uttermost, have succeeded in producing a result which does not correctly represent the sentiment of this people or the will of a large majority of the citizens of California, yet amid the din and racket that will be created by the Conspirators in the event which you understand me to deprecate, this palliation, this excuse, will not avail for the vindication of this commonwealth.

Fellow-citizens: as we love our country, as we respect ourselves, as we hope for a political redemption from the senatorial rule of the very worst class of men that have ever debauched our supreme legislative council, we must begin now to do the work of unrelenting and aggressive vigilance against a party that would again place A. A. Sargent in the U. S. senatorial chair.

Do not misapprehend me. I care very little about the man and his personal success, compared with the moral effect of his return to the U. S. Senate by our legislative convention. I know the man well. He is not a bold, bad man, like Oliver P. Morton. He is a timid, sniffling creature, with considerable facility for chattering. Very serviceable, on occasions,—to be put in the front row for thin, diffusive, multitudinous speech,—as a relief, perchance, against the sledge-hammer assaults upon every principle of justice and right by the far more adroit as well as more ponderous champions of the Radical cause. He is "industrious and persistent"; very good qualities in a public man: but these qualities are dedicated to the service of the various monopolies that surge around and within the Capitol at Washington.

Do this people desire to send any more tools of the railroad organization to the Senate of the U. S.? Industrious and persistent that organization and this man will be, to gather and utilize strength in our Legislature sufficient for his re-election.

Here is the place to talk about these matters with perfect freedom and genuine candor. Here, in your Jeffersonian clubs, *all* the facts in the premises should be made known;—there should be no concealment nor qualification in the statements of the pertinent truth. Not in secret conclaves, but in the meetings where every man who professes to be a Democrat is welcome, the popular investigation should commence and go on. And the ultimate ventilation of the political and personal facts attached to each case of legitimate inquiry should continue to be thorough and complete; until the proposition to re-elect such a man as A. A. Sargent to the U. S. Senate, from the State of California, becomes a simple suggestion for contemptuous comment and dismissal by every honest and intelligent citizen in this county. For it cannot be possible—it is not within the bounds of ordinary human credulity, to suppose a different conclusion:—that the voters of the State, who are truly interested in recovering her good name, in the protection and development of her best interests, and above all things wisely careful in endeavoring to guard the liberties and the honor of the people, will consent, after due ascertainment and examination of the facts, to the tremendous success of the Presidency-conspirators and the monopolists which would be attained in the re-election to the U. S. Senate of this sputtering implement of the organized and allied national lobby forces at the city of Washington.

I do not doubt that when A. A. Sargent was first sent as a Representative to Congress he tried to do his duty to his constituents and the country at large, to the extent of his limited ability,—unfettered as he was by any monopoly obligations. But is there one among you so uninformed as to the proceedings at Sacramento in the Winter of 1872, as not to be apprised of the conditions on which the election of A. A. Sargent to the U. S. Senate was obtained by the agents of the Central Pacific Railroad Company? Have you never heard of the bargains that were made for him with this and that legislator: the consideration being: on the one hand, a vote for Sargent, and on the other, an official berth in the Custom House, or in the U. S. Mint, or in the Land Office, or on the U. S. building works, or in the Mare Island navy yard? Have you never heard of the piles of gold that were laid by some friendly hands on a table in an ante-room at the Orleans Hotel, from which admitted members of the Legislature were at liberty to take such sums as seemed to them reasonable for their—well, for their reimbursement or their recreation? Is this kind of electioneering to be continued in this State, and the outcome of it to be, year after year, the choosing of this class of persons to be Senatorial rulers over the land?

In the closing days of the Forty-second Congress, the question as to the peculiar appliances by which the last Pacific Mail subsidy was aided through Congress was brought up before the Senate of the United States. Mr. Sargent took the floor, and repudiated and ridiculed the idea that money had been used for the purpose named by the Steamship Company or any of its agents. The great commercial interests of the Republic called for the appropriation; the trade of the civilized world, the progress of art and science, the amity of nations, the general enlightenment of mankind, demanded this subsidy for the Trans-Pacific Mail Company! And whatever might be the special or natural basis for the suspicion of a moneyed lobby, with respect to other matters of legislation, here—in regard to the Pacific Mail Company—any intimation that money had been used to buy or influence the votes of members of either House, was in the extreme preposterous and absurd. Mr. Adolph Sutro informed me of this remarkable speech, and I believe he was present at its delivery.

Within two years after this utterance, a Committee of the Lower House of Congress ascertained and disclosed some of the details of the "job," whereby or wherein scores of members of the House of Representatives and several "distinguished members" of the Upper Chamber—and some of the oldest correspondents of the "Independent Press"—had been liberally supplied with pocket "change" by accredited disbursers for the

subsidized corporation.* Eighteen thousand dollars were traced directly to the purse of one Radical Senator from the Pacific coast; and the investigating proceedings were becoming most uncomfortably warm for many members, the extent of whose private salary from this source was not developed because the investigation, or the forced pretence or dabble of an investigation, was brought to a singularly abrupt conclusion.

I visited Mr. Irwin, the principal manager in this Congressional subsidy business, at his temporary head-quarters in the District Jail at Washington, when the investigation, so called, to which I refer, was in progress. I asked him how it was possible that so much money could have been expended in the manner alleged by the "New York World"† and other Democratic papers, to carry the Pacific Mail subsidy bill through the two Houses, when it appeared that our most industrious Senator neither knew nor believed nor suspected that any improper means were being used in the premises. I remember Mr. Irwin's reply perfectly, and I think I can give it *verbatim*. He said: "The truth is, it was as notorious that money was being paid out for this purpose, as the shining of the noon-day sun in clear weather." And yet, the Hon. A. A. Sargent improved one of the last days of a preceding session, to declare in the Senate of the United States that the accusation referred to was false in fact, and against all the probabilities of the situation.

Now, are you going to send a man back to the U. S. Senate, who exhibits that kind of strange and helpful innocence respecting the unconcealed activity and manipulation of the Washington lobby? For you must observe that this guileless condition, on the part of our industrious and persistent Senator, fitted him—all unwittingly—to rise in the U. S. Senate and make just that kind of a speech at that particular juncture, which was calculated to be of the very greatest service to the treasury-plundering scoundrels, who did stand without and within—the avowed representatives of the Coolie-bringing Pacific Mail Steamship Company.‡ Do you want to send such a man back to the U. S. Senate from the State of California? If not, be ye up and about your political duty. Let not a neighbor escape your honorable and respectful solicitation as patriots and as honest men. Let it not be within the bounds of possibility that, with an unimpeachable legislative ticket in your county, nominated by the Democratic party, one single voter of decent reputation can unblushingly go to the polls with a vote for the Sargent nominations in his hand, intending to cast that vote as his political support, in the autumn season of the 102d year of the Independence of the United States of America.

How long, let me ask you, is this people to submit to the grossest of shams and duplicities? Are we fools and mad, and without a living standard of self-respecting judgment? Did not Aaron A. Sargent, two years ago, attend the Republican convention at Sacramento, and simulating a terrible new-born zeal against the Central Pacific Railroad monopoly, blow his chaff-dust resolutions of arraignment and denunciation and anti-monopoly-covenanting in every eye? And after the canvass was over, did he not return to Washington and resume his station at the Capitol without uttering one syllable of corresponding and promised protest or statement or exhortation? Is there recorded a word of stout challenge or a lisp of distinct articulation from Aaron A. Sargent, since that campaign was closed, to suggest a practical fulfillment of any of the anti-monopoly pledges which were by him or for him put on dress parade before the people of this commonwealth in the Summer of 1875? Amid the abounding opportunities for the beginning or the promotion of a work of emancipation from the pecuniary extortions and the political intimidations by the Central Pacific Railroad corporation,* has there been a moment improved by Aaron A. Sargent, since the month of September, 1875? Did he even

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* Perhaps I should have said that the Radical majority in the House had forced upon it a knowledge of the fact that the general public had become duly apprised of the scandalous use of money in bribing Senators and Congressmen, in furtherance of the Pacific Mail Steamship subsidy scheme, and on this account was compelled to make a show of investigation.

†The "New York Weekly World," price $1 a year, including postage, should be regularly received by every Democratic household on this coast. It is now an excellent newspaper in every sense of the word, and a marvel of cheapness.

‡ Having been in the National Legislature for a greater portion of the time since 1861, Sargent, in 1876, suddenly developed into a profuse anti-coolie-importation talker. Just note the sincerity of such men, as illustrated by aiding a coolie-bringing steamship company to the last dollar that can be raked from the U. S. Treasury, *without a word of conditional provision in the subsidy bill, guarding against the flooding of the country with Asiatic slaves*, and then turning about and seeking to mount a rising wave of public sentiment in hostility to "Chinese immigration."

* Talk of intimidations in the South? In Oakland and Sacramento, last fall, the foremen of the railroad shops posted up notices of Radical meetings and processions, and informed workmen that they were expected to attend. And on election day, the laborers were supplied with tickets by Radical club managers, and "spotted" up to the polls. Many men from the railroad shops, who had joined the Democratic club in Sacramento, came to the officers of that organization and confessed, with tears of shame, that they would have to vote the Radical ticket or be deprived of their positions in the R. R. Co.'s employ. Some of these men had large families, and had invested money in part payments for a homestead in Sacramento, and were otherwise so tied up as to be literally "under the thumb" of the monopolists.

In speaking of the extortions of the railroad and telegraph monopolies, you are often met by the statement of the lawyers for these companies, to the effect that the corporations have an abstract *right* to charge just what they please. That is just what they have not. These corporators did not discover the motive power of steam, or the message-bearing uses of electricity! Yet, to hear them talk, you would logically infer that they had a patent on these discoveries and inventions. Besides, the law of *incorporation*, for common carriers, is founded on the idea that the charges shall be reasonable. Besides, in the case of the Central Pacific and Union Pacific R. R. Co.'s, the construction of their road did not cost the incorporators and builders a ten-cent piece out of their own pockets. On the contrary, they stole large margins from the people's donation for the work. And, as I have said elsewhere, the Western Union Tel. Co.'s overland line, from Sacramento to Omaha, was paid for in cost subsidies.

vouchsafe one word of sincere testimony or argument at the time when Newton Booth deemed it politic and advantageous—to himself—to let off in the U. S. Senate chamber his prescribed amount of rhetorical fire-works, and set out on the record table his fly-catching platter of verbal confectionery, with each fireless spark and each plaster-paris crumb labelled "anti-railroad monopoly"! Has not Aaron A. Sargent returned to this State, and in company with Newton Booth made the rounds of the stumping places of this commonwealth, in support of a Presidential candidate who was the choice and is the creature of the combined and tyrannizing monopolies of the land? Will you send such a man back to the U. S. Senate? What are you thinking about? Are you thinking at all? I beg your pardon. I intend to speak to you with the utmost respect. But I would like to have you feel this question in every artery and vein of your body.*

Have you not heard, even here, way up the mountain side, in the city of Placerville, the faint but clear echoes of the "disillusionizing horse laughs" of the Stanfords and Crockers and Huntingtons,—bursting forth over their champagne glasses in one of their convivial dining halls, on one of the hills that tower in the midst of our metropolis, at the conclusion of one of Billy Carr's descriptions of "that da-a-avlish good anti-railroad monopoly stuffing campaign we gave the damn fools"—meaning thereby the Radical campaign of 1875, and the people of the State of California!

Have you not men in El Dorado County whom you can elect to sit in the legislature at Sacramento next winter, whose discrimination as to the right and wrong is distinct and lively, and on whose intelligent devotion to the true interests of the whole people you can place a perfect reliance: whom no money of the monopolists can buy, no blandishments of the Conspirators against the People's rights can seduce? I beseech you, as a fellow citizen: look to it! I assume no airs of dictation. I plead with one and all for a ceaseless participation in political affairs from this moment until the sun goes down on election day: an earnest, faithful dedication of your leisure from strictly private business affairs, that you may secure good men and true for your Representatives and Senator-electing agents at Sacramento. The County of El Dorado was wont to send a delegation of superior men to the Legislature of your State. I remember it well, and with great and unqualified satisfaction. Will El Dorado County, having a thoroughly disciplined Democratic party in 1877, fail to send Senators and Assemblymen to the approaching Legislature, who, under no consideration that can be conceived, will vote for that squeaking, squalling pet and polecat of the monopolists and national Conspirators—Aaron A. Sargent?

I read but yesterday in an Independent newspaper in the city of San Francisco—in one of the twin journals that exclusively own that title in our metropolis*—that, on the ground of "courteous demeanor," A. A. Sargent compares in flattering precedence with his associates on the floor of the United States Senate. And in the same rose-water sheet an indictment was brought forth against political speakers on the score of alleged coarseness and vulgarity. Let us take this up for a moment—this eulogy of the "industrious-and-persistent" (and his industry is greatly magnified)—with a legitimate and logical reference to this very matter of his candidacy. And it is not a point of mere personality, but a matter of popular, of State, and, if you please, of national concern.

Very recently, when didappering and chit-chit-chit-chittering from a spot between the front rows of the horse-shoe of seats that sweep around the President of the Senate—in a speech that was spread broadcast before the country, by the lightning of the morning, as a "remarkably thrilling, impromptu burst of impassioned eloquence"—(said also to be pertinent to the question before the Senate!)—Aaron A. Sargent declared that the Democratic party "assassinated Abraham Lincoln, one of the best men God Almighty ever made." With this important "historical" addition: "The fact of this assassination of Abraham Lincoln by the Democratic party is as notorious and undeniable as the fact that the Jews assassinated Christ." And the principal

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* Very likely, Sargent's bosses may deem it expedient to set forth, this year, (1877) another anti-railroad monopoly platform for the Radical party.

The monopolies have a fashion of heading off sincere efforts in favor of any beneficent legislation, by directing one of their creatures in a Legislature to introduce a bill, professedly designed to carry out a particular matter of reform, or a particular plan for conducting the business of the Government in a more expeditious, or convenient, or economical manner. Take the illustration of A POSTAL TELEGRAPH. Sargent introduces A POSTAL TELEGRAPH BILL! *Ten years* after the subject is first agitated in Congress. Of course, that wards off, for a session at least, the introduction of appropriate law on the subject by any other Senator. Of course, that bill has slept sweetly during the past Congress. Of course, if deemed expedient, it will be re-introduced by the same person at the next session, and some show made of a plea in its behalf. More time for monopoly rule, even if an ultimate and not far distant victory for the advocates of A POSTAL TELEGRAPH is sure to be. And, of course, when the day of great and irresistable popular demand for A POSTAL TELEGRAPH shall come, there will be Sargent in the door, shouting: "I was always in favor of it, I was always in favor of it, I-I-I I was always in favor of it!" And then there will be, perhaps, a claim of precedence, from an "original, pioneer friend of the plan," for his little bill, which may be so worded as to hide in its sections a provision for paying the Western Union Telegraph Company — *which has fraudulently watered its stock not less than* $80,000,000 — an enormous price for its old wires and rotten poles and cracked jars and antiquated cups and macerated plates? Can't the people, and all the people, be brought to see these operations and read these motives as they really are; and thereby be provoked to kick these Congressional cheats into a merited retirement?

Congressman Luttrell not only introduced measures in favor of a postal telegraph, in our own Legislature and in Congress—six and three years before Sargent was put forward with his Dummy bill—but worked dilligently for their passage. He urged a Congressional Committee, before which I testified, to report in favor of a bill that would forbid the monopoly in newspaper despatches. He is a sincere man, and a faithful Representative for the people.

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* The *Chronicle* and *Alta* do not properly come under the head of "The Independent Press." Every body knows where they are, so long as the Radical party is in power. But the *Bulletin* and *Call* deceive and delude thousands of our best citizens with their professions of impartiality in politics, etc.

representative paper of the "Independent Press" at San Francisco approvingly headed a communication from John W. Dwinelle, in which this declamation was said to have been in good taste, and the historical allusion —to which some Israelites in San Francisco took public exception—was said to be entirely correct.

This declamation was blasphemous toward God, and insulting toward man. But in it, and by its utterance, I think you have an image of the person who is its author. Let us look at it a little.

According to all history, sacred and profane, direct and traditional, the Jews did not "assassinate" Christ. But the chief priests in Jerusalem—the Oliver P. Mortons, and Zach. Chandlers, and Jay Goulds of that day and nation and race, who had somehow stolen their way into the high places of the temple—after many failures in their efforts to get the common people to do the work and take the responsibility of assassinating Christ—the inducements or the actual attempt, always failing, for one reason or another—did procure the crucifixion of Christ; the actual work of execution being performed by the Roman soldiery. The statement that it was not an "assassination" is readily substantiated by quotations from numerous theological scholars of the highest rank, who, in commenting upon the peculiar method of execution, have seen fit to incidentally, but specifically, distinguish it from assassination. As they declare, that "assassination" was often attempted, and as often thwarted; "Christ being reserved under the awful decree of Heaven for crucifixion at the hands of the Roman soldiery." A judicial murder is not assassination; and the sentence, "the Jews assassinated Christ" is very unusual, to say the least, and has never before been employed in a public speech by a United States Senator or a Representative in Congress who claimed to be anything of a scholar or something of a gentleman.

But, "*the Democratic party* assassinated Abraham Lincoln." I believe that there were not stronger Union men during the war than Secretary Seward and Secretary Stanton. Certainly, they were bosom friends of Abraham Lincoln, and loved him as their own brother. And on account of the attempted murder of the former, near the same hour when President Lincoln was killed, there is enhanced and irresistible strength for his opinion in regard to this matter. Secretary Seward had occasion, in a letter written to a friend in New York, not long after the death of President Lincoln, to say, in substance, that it was a piece of the greatest folly to try and convict the Democratic party, or the leaders of the late insurrection, of any moral complicity in the murder of Lincoln. And Secretary Stanton, in conversations which I have seen reported, gave expression to the same views. Senators Fessenden and Trumbull expressed it as their opinion that Wilkes Booth was insane, and that the murder of Lincoln was the dreadful deed of a madman. An officer of the Union army—now the president of one of the principal banking institutions in San Francisco—who was present in Washington, at the time of the assassination, or shortly thereafter, and who was made very well acquainted with the proceedings before the tribunal which ordered the execution of some of the alleged confederates of the assassin—has repeatedly told me that, in his opinion, and in the opinion of Senator James A. McDougal, there was no conspiracy whatever for the actual assassination; that the intimate male and female associates of Wilkes Booth who were hanged, contemplated and proposed nothing more and nothing worse than the kidnapping of the President.

Robert E. Lee exclaimed, when he heard of the death of President Lincoln: "I fear we have lost our best friend." And that sentiment was loudly echoed throughout the South by leading officers of the Confederate army, and leading civilians, late of the Confederate councils; from the Vice-President of the so-called Confederacy, Alexander H. Stephens, down, way, way down to General Longstreet.

In fact, as you must remember, when this kind of taunt was uttered by some weak fellows on the stump, in 1866, it was promptly met by every sensible Union party statesman and journalist in terms of contemptuous rebuke. And so it died out of the mouths of the various fools in the Union party ranks who mounted the rostrum in the campaigns that followed immediately after the inauguration of President Johnson. And during all the "bloody shirt" exposition that was held by the Radicals in the Summer and Fall of 1876, we neither heard nor read the stupid suggestion and the infamous slander which is embodied in the sentence we have quoted.

No! It was left for Aaron A. Sargent to get up in the U. S. Senate, at the very time when, on all accounts, he should not have made such statement, though it set forth the truth—even if there had been a shadow of reason or probability for such an accusation—and make his "flaming peroration" in this yelping slang of the gutter. There spoke Aaron A. Sargent! Will you send him back to the U. S. Senate? He made this utterance when the most impulsive nature should have been restrained from giving vent on that side of the Senate to any language of vituperation or scorn. The gentlemanly instincts of a statesman and a soldier—supposing the election of Rutherford B. Hayes to have been justly ascertained—would then have been exemplified by a speech that was balm for hurt minds and oil upon the troubled waters. But no; Aaron A. Sargent comes back to you seeking a re-election to the U. S. Senate, with these words for his last Senatorial valedictory and for his home salutation: "The Democracy assassinated the best man God Almighty ever made,—Abraham Lincoln; and the fact that they did this is as notorious as the fact that the Jews assassinated Christ."

Do you know what this meant, if it is to have any construction or any further consideration? It meant, and was intended to mean, that you and I, being in the Democratic party to-day, are morally responsible, by the doctrine of relation at least, for the murder of Abraham Lincoln! It means that you, men from the South, were direct, spiritual participants in the commission of that bloody deed; and it means that we, men of the North, have become politically affiliated with you in the full understanding that you were accessories and accomplices in the assassination of Abraham Lincoln; and that therefore we also are stained with the guilt of the horrid crime!

I was in Virginia City, Nevada, on the day when funeral orations were delivered in memory of Abraham Lincoln. And I know that every prominent Democrat there, with Gen. Thomas H. Williams at their head, marched in the procession and participated in the serv-

ices that were conducted by the Masonic fraternity.

Of course there have been reported instances of wicked rejoicing over the murder. But with the tidings of such a jubilee by one man or by any crowd of men, there usually has come an account of condign punishment on the spot, for the outrageous expression of cruel and heathenish sentiments. I, myself, know of but one man who was detected in shouting for joy over the assassination of President Lincoln. That fellow bore the reputation of having shot a man in the back, in an alley-way in Sacramento, in 1861. He was at one time engaged in packing sand in front of the guard-house, at Fort Churchill, Nevada,—working out a penalty for noisy disloyal demonstrations. He is now, and for some time past has been, in the employ of the U. S. government, at San Francisco; and eighteen months ago, at a Sargent and Gorham anti-Booth meeting, in San Francisco, I happened to overhear him announce himself as a "rip-staving" supporter of the administration, and ready, "at the drop of the hat," to prove himself a fighting champion for George C. Gorham and Aaron A. Sargent.

Sentence for sentence, you can find contradictions between the report on the Florida electoral issue made by Aaron A. Sargent, of California, and the report on the same subject made by such a man as the Hon. Charles P. Thompson, of Massachusetts!

But if not Aaron A. Sargent for United States Senator, then who else from the ranks of the Radical party? Gen. John F. Miller is proposed. He is really at the head of the Alaska Fur Seal Company Monopoly; and linked by the strongest possible ties of a common pecuniary interest with the other monster monopolies of the land. The history of this Alaska company—an enumeration of its exclusive commercial privileges, and a statement of the manner in which they were obtained—will apprise you of the fact that—after A. A. Sargent,—one of the last men in the State who should be chosen to a seat in the United States Senate is John F. Miller. By a special compact with the U. S. Government, secured by the Radical leaders in Washington—a contract, in which Oliver P. Morton & Son are admittedly interested—this company was given the sole right to catch seals on the Aleutian Islands, and they are protected in that right against all competition by a naval force of the Republic. The contract as reported from the appropriate committee of the Senate, just prior to its final passage or adoption, contained a clause which provided for its abrogation at the will of the government. That clause was *in some mysterious manner* removed from the text, before the approving vote was taken in the Senate.

As you pay two dollars where you ought not to pay more than one dollar to the Central Pacific Railroad, for fares and freights; as you pay two dollars for a ten-word dispatch hence to the Eastern States, when you should not pay more than twenty-five cents for a twenty-word dispatch; so also, by reason of an unjust, outrageous monopoly, created and maintained by the Radical administration, you pay to Gen. John F. Miller & Co. sixty dollars for your wife's or your daughter's seal-skin jacket, when you ought not to be obliged to pay more than ten or fifteen dollars for the article.* Do you wish to send John F. Miller to the United States Senate?

But then there is M. M. Estee, who announces himself a candidate for the United States Senate, from California. It may be stated, in objection to Mr. Estee, that there is mental inability on his part to see what most people would consider among the simplest contradictions in political advocacy. In 1875 he traversed this State, and recited a campaign speech, in which he deprecated all allusions to the late civil war, in a present or future discussion of national affairs, except reference was had in the kindest manner on a matter of pure history or government business. In his judgment, as then delivered, the speeches that were then being made by Sargent and Gorham, reviving sectional issues and animosities, were highly reprehensible, and ought not to be tolerated. Last year Mr. M. M. Estee traversed this State, and rehearsed a carefully prepared campaign speech which began and ended with a hurrah for "the bloody shirt," and was filled in and lengthened out by the revamping of all the stale and the preposterous and exploded falsehoods that the press of the monopolies in New York city had hatched during the earliest days of the canvass, and, as a rule, abandoned, before Mr Estee started out on his stumping tour.

I submit that a gentleman who is afflicted with that species of intellectual strabismus, which does not permit him to see the utter inconsistency of such positions and platform demonstrations—however much we may esteem him personally—hardly deserves any respectful consideration as a self-announced candidate for a seat in the United States Senate?

I speak of these personal matters, I make these personal allusions, because you must now come to the focalizing points of personal inspection, criticism and judgment.

I am not here to promote the prospects of any particular Senatorial candidate in the Democratic party. But I will venture to say, that when there are in this commonwealth such men as C. T. Ryland, and John S. Hager, and Wm. J. Shaw, and Delos Lake, and Samuel Wilson, and John A. Stanly, and William T. Wallace, and G. J. Carpenter, there ought to be no serious difficulty on the part of a Democratic Legislature in selecting a man for United States Senator who will be the peer of any associate in the highest council of the nation, *and who will not fail to be at all times a true representative of the People.*

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* The troops are to be withdrawn from Alaska; and the fur seal monopoly company protest against including that country under the rule of Washington Territory. No possible check to their operations.

Have you forgotten the glowing accounts that were given of the riches in minerals, and fisheries, etc., of Alaska, when the purchase was made? The people were to derive great benefits from the seal fisheries, in particular. Seal fur was to be reduced to one-tenth the ruling prices. But the people have been robbed of that just advantage. I believe that Gen. John F. Miller was Collector of the Port of San Francisco about those days. A "job" was fixed up whereby the people got no benefit whatever from the "Riches of Alaska." Gen. John F. Miller has become very rich from the monopoly of the Fur Seal trade. Do you really want to send such a man to the United States Senate?

Against any honest Democratic candidate for the United States Senate from California, the monopolies will be a unit in their working forces at the State capitol, on and after the first Monday of December next. They have their choice among the nominal Democrats of the State. Let us not be deceived.

There is many a prominent man in the Democratic party in this country—by profession at least within its ranks—who, by reason of his general incapacity, his lack of brain or principle or pluck, or his special private treaty, would have been acceptable to the monopolists as a candidate for the Presidency of the United States, in 1876; and with the Democratic vote would have taken the seat that now belongs to Samuel J. Tilden.

Such a man would now be seated in the Presidential chair, if he had received the Democratic vote recorded in 1876. Against the entry of such a Democrat, so chosen, upon the duties of the Presidency, no word of question or protest would have appeared in the New York *Tribune*, or New York *Times*, or the San Francisco *Bulletin*, after the 7th of November, 1876.

Such a man was not and is not Samuel J. Tilden, of New York. Him do the monopolists hate with an infernal malignity. For they have seen his good works, and do curse his Father which is in heaven! The mental picture of Samuel J. Tilden in the Presidential chair, has been to them full of rankling and unspeakable horrors.

For Samuel J. Tilden, as President of the United States, would have caused the Proclamation to go forth—imperative and not to be avoided: "Jay Gould, of New York: come up to the Treasury of the United States, and on behalf of yourself and the company you represent, make your over-due payment of fifty millions of dollars." And yet another Proclamation: "Leland Stanford, of San Francisco: come up to the Treasury of the United States, and pay the amount of your over-due obligations, on behalf of yourself and your associates—not less than forty millions of dollars!" And to both the summons would have said, in accordance with the terms of a law drafted by Samuel J. Tilden, enclosed by him in a message to Congress, and passed under the swelling demands of the honest people of the nation—a law as irreversible as the laws of the Medes and Persians: "Make your payments before the close of the business hours of the 31st day of December, 1877, or your franchises will be forfeited to the government of the people of the United States!"

Can we not have a United States Senator from California of like mind and temper with the President whom the people chose, and the creatures of the monopolists did manage to fraudulently deprive of his office? Come: let us work together for such a triumph in California, as will affirmatively answer this question with overwhelming emphasis.

I verily believe that our nation must be rescued within the next four years from the clutch of the plunderers, or the Republic will perish. Shall we relinquish hope for "a government of the people, by the people, for the people"? In your response to-night, I am confident that I hear the voice of more than six millions of the voters of this nation.

Then let the jibe of the Radical mocker sound from every threshold and portico and housetop; let the cry or the hiss of derision come from every liveried footman or clinging scrub attached to the monopoly-sustaining organization, whose managers have for once defeated the will of the people in their choice of a President. Our reply is to be rightly known and felt in deeper convictions of duty, in sterner political determination, in the enlisting of converts in practical service; in the closing of the columns in an avowed contest for the overthrow of gigantic schemes of fraudulent dynasties, for the promotion of good men and the passage of good measures. Our answer is to be made by the most valiant labor unto that Day that shall usher in a long and uninterrupted and blessed constitutional reign of civil warriors in the Democratic faith and practice, as the creed and the schedule of Democracy read before all men at this moment of time!

And now comes the angel of hope, to anoint our eyes, that we may see visions and dream dreams of glory for the cause of Liberty in this land. Prophetic, first of all, of a disenthrallment, unqualified, unconditional and everlasting, from the dominion of the despots of monopoly, that have stolen the fruits of invention, imposed enormous burdens, debauched our Legislatures and defied and overturned the State and National verdicts of the people. And every future, characteristic demonstration by the Radical doges and the Radical camp-followers: every new scheme of robbery developed by the captains of Radicalism at Washington, and every cheer and echoing plaudit by their emissaries or dupes in and among their temporarily afflicted subjects—whether in New England or in California, in New York or in San Francisco, at Long Branch in New Jersey, or at Placerville in the Sierra Nevadas—should serve to add in due proportion and manner and degree to the steady zeal of our patriotism, to the strength and confidence of our organizations, to the ultimate height and depth and length and breadth and brilliant splendor of the triumphant march and re-entry into power of the Democratic party of the people of the American Republic!

For now behold the Empire State,
Amid the lowering clouds of storm,
Disclosed the Champion Magistrate—
The Sage heroic of Reform!
And every vote for Tilden thrown
Did make the Nation's plunderers groan!
Against the threatened years of woe,
It sealed the people's protest, No!
For patriots' hope to save and bless,
It raised the peoples' thundering Yes!
Nor dare an honest foe applaud
Defeat secured in shame and fraud.
Nor should one Democrat be found
To quit the ranks or yield the ground,
Till Victory won is Victory crowned!
Then on September's sovereign day,
In freemen's line, in glad array,
Be yours a place! Come! Join the swarm
That swells the army of Reform.
For lo! 'T is cheered at home! all-hailed abroad!
It is, it is the Army of the Lord!

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Fact and Need.

A Statement as to Prevailing Repute and Appropriate Vindication.

ADDRESS

BY

CHARLES A. SUMNER,

OF SAN FRANCISCO,

Delivered before the Territorial Pioneers, at Pacific Hall, San Francisco, on the 27th Anniversary of the Admission of California into the Union.

[Published by request of the Pioneers.]

"RODOLPHO.—I never fancied that they thought
So ill of us abroad, as that?

MARSTON.—Your plan and labors hitherto
Implies a knowledge of the fact—
Howe'er unconscious of its weight.
Or else your reason is at fault
In purposes, and foremost speech
For action and for tablature.

* * * *

RODOLPHO.—Now I bethink me, Marston, it is true!
And much persuasion for our bounden work
Lies in a state imperfectly declared,
Or by unvaunted honor self-concealed.

MARSTON.—Your vindication, howsoe'er achieved,
Will be most welcomed by those most deceived.

RODOLPHO.—'Tis like to be. Tho' there may be replies
Which say they knew our worth and enterprise,
And held a gratitude in queer disguise!"

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Dear Sir:

I have been intending for some time past to return you my thanks for several Pamphlets, for which I am indebted to you, and to express the pleasure with which I have read them.

The last, particularly, entitled "Short Hand and Reporting," is a valuable Historical Record, containing much information entirely new to me; and the "In Memoriam," with which it closes, is a fit tribute to my friend Stanly.

Believe me,

Yours Respectfully,

WM. INGRAHAM KIP,

Bishop of California.

To C. A. Sumner, Esq.

Mr. Sumner's unusual ability as a lecturer, his great power of seizing upon noteworthy facts and drawing novel conclusions—his power of illuminating a subject—are well-known to readers of his two lectures on the subjects well-worn for phonographers—"Short Hand and Reporting," and "Popular Use and Benefits of Phonography."—*Editorial Notice by Andrew J. Graham, in "The Students' Journal," N. Y. City.*

The best Lectures on Short-hand.—*Phonographic Monthly.*

80,000 copies sold in Great Britain.—*R. W. C. Mitchel.*

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A Statement as to Prevailing Repute and Appropriate Vindication.

Delivered before the Territorial Pioneers, at Pacific Hall, San Francisco, on the 27th Anniversary of the Admission of California into the Union, by Charles A. Sumner, of San Francisco.

MR. PRESIDENT, TERRITORIAL PIONEERS, LADIES AND GENTLEMEN: This is a local holiday. Hardly that. It is a day on which there is a partial suspension of business in San Francisco and a few other cities in the State, and public festivities are participated in by a small portion of our people. It is a day which deserves all this attention and respect; and among the days which we hope, under better rules of social order and recreation, will yet be dedicated to a general abstinence from toil, and to commemorative exercises and amusements, it should be with us only second in honor and a prevailing unanimity of observance. Nay, more: if additional days of common, celebrating recognition and tribute are hereafter to be set apart according to the benefits developed and received, and enjoyed, then, in the calendar of the Nation, the 9th of September is entitled to a red letter mark for some thanksgiving and jubilee. Even beyond this, it may be said, with a propriety which will gather warrant upon intelligent and patriotic reflection, that the natal day of the State which, in a little over a quarter of a century, has thrown over one thousand millions of golden dollars directly into the arteries of trade and commerce, and which has within that period developed a capacity to supply one-tenth of the cereal export of the hemisphere—and that of the first excellence—and which was first among the sisterhood of States, of whose resources and citizenship President Lincoln's message to the Pacific Coast, in his last days, spoke a supreme credit for the salvation of the Union—the natal day of such a State is worthy of some regular, emphatic, exultant salutation from the civilized inhabitants of the globe.

Instinctively, irresistibly, on every recurrence of this anniversary we turn to the scenes of the first ships in the offing, and the first trains crossing the desert. We remember the trials of separation in the old homes of the East; for those of us of middle age who "came afterward" had, with rare exceptions, the poignant regrets of parting from well remembered men among the number of our best beloved, when we decided, or when it was decided for us, to remain a little while longer in the parental mansion.

We remember how the first intelligence of the discovery of gold in El Dorado was received in our native or adopted city or village! With what utter incredulity the first stories of the rich findings were heard or read by all classes in the community! How those "absurd fables" were persistently repeated, as it seemed to us for the very purpose of breeding a mad folly of adventure! How singularly enough, the very beginning of the "California fever"—(have we not almost forgotten that once familiar phrase?)—was a lodgment of the nettle and the fire in the blood of the most staid and self-possessed in the lists of our neighbors and acquaintances! The first to believe and to resolve on emigration, and to go, being none other than our very sober-minded city-father, or town moderator, or village justice; creating overwhelming astonishment, not to say consternation, by his self-announcement of a fatal case of the disease: suddenly, irrevocably determined to quit his humdrum but most honorable and respected place as secular, and perchance religious oracle, for the gold fields of the new territory; there oftentimes and characteristically to maintain his reputation for patient industry and upright dealings, and also to develop or display capacities for social communion and enjoyment of which his most intimate friends and associates in the place deserted never dreamed that he was possessed.

We remember the tent and shanty habitations on the sand flats and slopes of Yerba Buena. We remember the first diggings in the valleys and in the foothill gulches. For if we have not these pictures in our original memories, we have long had a clear daguerreotype of them from uncounted, vivid recitations at these ancient localities, given by trustworthy comrades and friends. These pictures have dwelt with us this day; they are before our eyes this night; and an honest and heart-felt pride, and a sense of tender and even romantic affection for our fellow-citizens of daring and fortitude, make up the basis and stimulant for a grateful anthem of joy.

This is an hour for review. This is an appropriate time for practical, unpartisan suggestions, founded upon the indisputable past. We may seek some judicious forecastings of

events. But the time is short. Some of you are wearied with an active engagement in excursions and festivities, and all are more or less anxious for the music and the dance. The general field of retrospect and of contemplation of the future from such a standpoint as we now occupy, has been, I presume, pretty thoroughly sketched by the distinguished gentlemen who have preceded me on the annual platform of the Pioneers. Certainly, good sense will induce the speaker to confine himself to some one topic, or agree with his hearers for a brief discursive speech on those matters which pertain to your organization, to your privileges, to your responsibilities, to your expectations, to your resolutions and your hopes.

Have you a right and good reasons for your existence? The question is not impertinent. Men within may ask the question, and women without will surely make the inquiry; and it is a just demand and interrogation. The sweep of my preface indicates the nature of my reply;—but I insist that it does not preclude me from acknowledging a duty in the way of a justifying statement and argument. And I say the question is a fair one, and this is a fit hour to consider it. In this age and country no society has a right to call for the time and means assigned to your schedule by the plans and routine adopted, unless abundant warrant can be made known on any opportunity for investigation, or any authorized challenge as to professed and published services. The every-day requirements of life are too serious and exacting in the accepted paths and methods of business and philanthropy, to leave room for frivolous occupation of the hours; and by this people, above all others, there ought not to be a legacy of original association for posterity which will not be of manifest and unquestionable advantage. Let us see.

As a means of bringing together the genuine Pioneers of the State, thoroughly identified, in periodical greeting, your organization has an excellent system of initiation, and a right to be. "And for a more perfect union of the Pioneers of California in the bonds of friendship, and to cultivate social intercourse between them." For this introductory purpose there is a right, and a propriety, and obligation. You have every honorable prompting of friendship for this organization. You have sufficient reason in your commendable attachments to one another, as men born together into a new era, by the fact and date of Pioneer immigration.

So far forth as this Society represents and embodies a desire and covenant on the part of its members to annually meet and hail each other in the bonds of special fellowship, with all the delights of conversation and reminiscences, and feasting and cheer: Pioneers of California, you have a preëminent right for your assemblages. There are no practical requirements, there are no more solemn obligations, which forbid or deprecate the festive convocation.

Nay, the rising judgment of the most sincere and devout among the intelligent communities in the land glows with approbation for such appointed seasons of cordial reunion and decent hilarity. And I confess to you that, during the twenty-two years in which I have lived upon this Coast, I have never passed by the house from the roof or cupola of which the Bear Flag of California has been displayed—in well-understood token of the dining hospitality of your brethren in the hall beneath its folds—without having felt a glad sentiment, and seen the letters of its exclamation in my brain. It is the table of the fathers of my State that is spread for welcome! May theirs be the happiest of renewed acquaintanceship and revived recollections, this day! May theirs be the keenest of relish for the most bounteous of repasts; for whatsoever there is in the good things of the land for the appetite of rational conviviality belongs to their board this day. And the civic esteem and thankfulness of all who have come after them into these fields of infinite resources and grand enterprise should have a magnetism of benediction over them, and lend a palpable zest and heartiness to all their banqueting enjoyments and congratulations!

But your organization notoriously rises above this simple plane of salutation and celebration; in which you are, perhaps, but an aggregate gathering of men and fellow-citizens, who, with equal propriety, have their special re-unions at date of departures and arrivals in particular ships or companies, in the fleets or the caravans of the pioneer period.

We look into your constitution and by-laws, and into your other authentic publications, to find your further motives and objects, and are not surprised at what you purpose and declare. And although we knew your plan and schemes for work and perpetuity, in a general sense, from the beginning, a re-reading enhances the verdict of favor and applause. The existence is not to be ephemeral. The society is not to expire with its present original members. It is to be perpetuated. The bond of social acquaintanceship and regard is to be transmitted; and because of the need of a higher purpose, and to the end, also, that it may be explicitly founded on a worthy basis, the society is declared to be historical and biographical. "To collect and preserve historical facts and information in connection with the early and subsequent history of the Pacific Coast." * * * "To form a cabinet." * * * "To pursue such literary and scientific objects as shall be deemed expedient by the Board of Directors." * * * "To perpetuate the memory of those whose wisdom, valor and enterprise advanced civilization to the shores of the Pacific." * * * "It shall be the duty of every member of the association to use all laudable efforts to collect and procure such relics, minerals, fossils, and other curiosities, and such incidents and facts connected with the history and settlement of California, as may be useful and interesting to the association." * * * "It shall be the special duty of the Committee on Library and Rooms to make such recommendations to the Board, in view of accumulating proper books, cabinet specimens, relics, curiosities, periodicals and journals, and to collect and arrange such historical facts and incidents in relation to the history and settlement of California, as may be deemed worthy of preservation."

The preface to the first Annual declares that "the Territorial Pioneers of California are endeavoring, among other worthy objects, to supply the place of that much-needed institution, a historical society of the State of California, and to a limited extent, of the Pacific Coast." "If our organization * * * shall be able * * * to preserve, in an authentic shape,

facts pertaining to the important events of the present and recent past, which are fresh in our own knowledge and memories, and which shall be passed into the history of our state, then our determination to publish an annual, and preserve in good shape these historical facts and events, will not have been made in vain; and the expenditure will prove to be an excellent investment for our descendants in the centuries to follow us." And, again, from the concluding paragraph of the same preface: "Our earnest desire is to finally present the autobiographies, biographies, and sketches of many, if not all, the Territorial Pioneers."

I say that such an association, so outlined in its purpose and work, merits thorough popular approval, and the co-operation of all who distinctly recognize and commend the programme—all of us who are without the doors, as well as those who are elegible to be direct participants in the labors and commemorative exercises of the organization.

We glance at some conditions which advise and sustain the plan of "earnest desire" and "special duty."

Left to private interest and industry, there would undoubtedly be (undoubtedly there are, or have been) numerous collections of specimens of the first and of current discoveries in the mining regions; important and notable specimens of the precious metals in the different classes and deposits. Some very respectable gatherings of this sort may be looked for in the rooms of the various libraries and commercial exchange halls of the State. But nothing large, and creditable and permanent; nothing answering to the idea of a historical cabinet; nothing reaching and embracing what each one confesses ought to be, as a valuable and characteristic gathering of such specimens, can be reasonably expected under such auspices. Nor is any such collection to be had from private diligence, for ultimate and enduring popular benefit. Experience has proved the correctness of the natural expectations in this respect. At the best, it may be said that private collections, unless placed within the protection of your shelves, and under the guard of your organization, or that of a society with similar plan, and intention, and bond, will gradually disappear from the State, in the earlier years, and be found in distant repositories in the Eastern States and in Europe, where the management is alive to the importance of obtaining such valuable matter for preservation and exhibition.

It is a fact that, to-day, in several of the smaller cities of New England you can see larger libraries and cabinets—or cabinet and library departments—exclusively composed of books and manuscripts on California history and biography, and the history of various portions of the Pacific Coast, and stones, and chippings and nuggets from the Sierra Nevadas, than are as yet embraced under one roof in any building, with a single exception, in these Western communities.

I was recently informed, by the remarks of one of our prominent fellow-citizens, that within a year he has been astonished by the discovery—for such it was to him—in the library building at Salem, Massachusetts, of a more complete set of California newspaper files than is to be seen anywhere in the commonwealth from which the publications were taken. And there is in the British Museum, in London, to-day, a department assigned to California deposits and productions, scientifically classified, which a distinguished professor, in a recent important mining suit in our United States Circuit Court, declared exceeded in completeness, as well as in definite and artistic arrangement, anything that could be made up for a similar exhibition out of all the aggregated specimens that are to be seen in the public institutions of our State.

The bare statement of these indisputable facts is surely enough to make us feel very regretful (if not ashamed) for the past and present catalogue of our home collections of the character indicated, and anxious that the first part of the programme of this and sister organizations may be speedily developed into results that will redeem, and honor, and excel. And to this end let us hope and trust that the contributions of the wealthier members may be registered within a year at figures that will pay a debt which they owe, and have neglected; recovering and establishing the just reputation of a duly jealous State, and lending to their own names an imperishable lustre of credit.

The propriety and necessity of a large museum, collected and classified and preserved under the management of precisely such an organization as the Territorial Pioneers, must be admitted and commended by all; and while some wonder may be expressed that there has not been a more worthy undertaking and achievement in this direction hitherto, there is no complaint to be justly made on this score against the officers of this society; for their excusing reasons are obviously adequate to any man who makes inquiry upon the subject.

A historical library, strictly Californian, should be within the frames of your edifice—a library that, in its completeness in originals and translations, should be only limited by the possibilities of a catalogue; bringing first publications and manuscripts from every quarter in which fair compensation and liberal reward can avail for the search and the securing.

To this point in your programme of duties and purposes no doubt seems to be suggested on the simple statement.

But beyond this you intend to go. Beyond this, I may say, you have already commenced to labor, and to gather, and to exhibit.

Pioneers of California: You have, in a peculiar and emphatic sense, committed to you a vindication of the general history and the biographies of the earlier days and comrades of your glorious commonwealth; and recreant will you be to a high privilege, as it seems to me, if you fail to write the record of this State up to the end of the first decade, in clear and unmistakable paragraphs. The existence of this privilege and obligation is contested. There are those who, on general principles of "good taste," dispute the propriety, as well as the duty of this work on your part, directly under your authority, and mainly by your own hands.

This is no time or place for absolute controversy. I shall only take your own words and labors thus far AS AN INDICATION OF WHAT YOU YOURSELVES HAVE DECIDED OUGHT TO BE; and glance a second at what others have done without you in the same line; and then, mayhap, or meanwhile, conjecture as to the future pages of history and biography as they would read without your supervision or your rival testimony and text;—indicating finally

and all the time, what those pages are sure to be under your organized study and editing discrimination.

A vindication! I appeal to you, Pioneers, what is your history before the world to-day? Your history? I mean, of course, your reputation—which is the focus of your history—as it is at this moment of time. Did you ever give thoughtful inquiry to it, in the way of comparison with that which you know ought be the history of California from 1849 to 1860?

Some of you are, perhaps, far more competent than I to write a judgment in these premises; but I shall speak of that which I do know and, for the most part, testify of that which I have seen and heard.

Vindication! Yes; it is needed without the gates. Needed, in general, for the character of the Pioneers—who are abundantly able to take care of themselves; and for that reason it is all the more required on their behalf, and on behalf of their children, that they make their story plain. Needed in detail, for the biographies of some of its most deserving and yet most modest constituents. Needed in defence of statistics of developed resources and extracted wealth. Needed, most originally and earnestly, to show and demonstrate the direction in which the fruits of the discoveries and brave and persistent toil in this land have been sent, or ultimately gathered, and made of most material and practical application, and most civilizing and refining beneficence.

Are you—in this connection let me ask—are you satisfied with the judgment of your fellow-citizens of the East? I mean the general judgment of mankind as to your history and early characteristics; the settled opinion, at this date, of men and women in the Eastern commonwealths, and in circles of enlightenment in Great Britain and Continental Europe, where your local histories and biographies have been, and now are, topics of great interest and consideration? Have you realized what that reputation is which you bear abroad this night? May it not be that the complimentary and enlivening salutations that flash across the wires on Pioneer Day, from side to side of our own land, as old Californians gather here and there for convivial purposes, have served, in a great degree, to obscure or obliterate the popular sense of our own people as to the character they have had established for them as a mighty body of citizens; established among the best inhabitants beyond the Rocky Mountains, who, whether we will or no, whether we understand it with an ever-present knowledge or not, do sit this hour in judgment upon us? Let us see.

Within the eighteen months from July, 1849, 88,000 men were precipitated into these boundaries; coming from every portion of the Republic, with a sprinkling of perhaps one-tenth direct from foreign shores. Are you satisfied with the pictures that have gone abroad, and remain to characterize that floating population? Take the best representations, or those which have the most pleasing features. Are you satisfied, altogether, with the accepted sketches of that period? accepted, mind you, with great literalness of interpretation when they cross the plains, and with almost unqualified simplicity of reading when they reach the Eastern hemisphere; those sketches which sometimes evince most excellent wit and humor? Sketches which have been sent abroad and received, and, if you please, treasured, as pattern stories of your life, your labors, your struggles, your amusements, your dissipations; and, comprehensively, your characteristic humanity?

Nearly thirty years ago there was a wild rush of daring men to this coast. Have you not ascertained that the judgment of the outside world is, that in the immense majority of instances you should substitute the word "desperate" for "daring"? What are the facts, as we know them?

There was, for that immigration, the seduction and the stimulus of the love of gold. Unquestionably! Palpably! Avowedly! There was, however, at the commencement, the higher love for money; the desire to obtain it quickly, indeed, but without piratical thought; with a disposition and purpose to acquire it for what it would bring in advantages and blessings "at home." "What sought they here?" They came to speedily search, and find, and accumulate; and to return with their treasure to family and friends, at the places from whence they came.

Characteristically, for the first three to five years, this was the mind and intent of the new comers to these shores. So much is confessed. Confessed? Admitted. Rather say, so much is boasted, for the purposes of this section. I know that I do not overstate the fact when I say, that in the pioneer years—up to 1856—these purposes and plans of a large minority of the immigrants, which I have just stated, were carried out; of course, with greatly differing amounts gathered in the aggregate, but probably, according to the expectations and needs, with closely similar content on the part of the delvers. And note the result right in this connection, and flatly upon the question of historical vindication.

The general reputation in the Eastern States of Pioneer California and Californians is one which there provokes commiseration, if not contempt. And by the sweep of judgment, the general reputation of the commonwealth, and its inhabitants, comes down on the same plane unto this day. Nor is there any conflict of testimony on this subject—nothing to contradict this assertion—involved in the fact of a large immigration of the middle and lower classes of society since the construction of the trans-continental railway. This is easy of demonstration, but the time forbids so much of what would be digression on this occasion.

While there are several reasons why this unjust judgment has been maintained against something of direct and able effort to contradict, and to remove, and to substitute, it is based on first, general, all-embracing estimates. And it is there!

In almost every national convention and delegation—secular and religious—up to this date, your people have been put in the background, at the rear, under the stairs, in the gallery; and this serves alone to give a fair, but faint, hint of the average appreciation of the State, and its character and consequence.

Within recent years I have sat at a hospitable board in the Capital of the nation, and heard, from day to day, California, and the average Californian, derided by "Statesmen" and "Ministers of the Gospel," high in the ranks of society; a favorite theme with them for depreciation, for unsparing contumely, for unmitigated contempt.

Within recent years I have been called

upon, in New England towns and villages, to lecture upon the resources of this State, and have had scores of conversations before and after the dry recital of statistics, and the incidental reference to other matters which would naturally be brought into such a discourse, which told the same thought and understanding, and verdict, against the California of today; but most particularly against the Californian of the pioneer season. Still the supposition was, that it might be a good country to sojourn in for a little space, with purely business ends in view; perhaps in some parts healthful and desirable for some classes of chronic patients; perhaps tolerable for this, or that, or the other really missionary scheme. Surely a self-sacrificing spirit was deemed requisite for a prolonged stay in the best portion of the coast! Such was the honest belief of the well-to-do, and otherwise very intelligent men, women and children in such assemblages, in the most intelligent regions round about the Athenian capital.

I am confident that I shall bring up in the minds of many before me this evening the same observation and experience. Large numbers of the wise and truly good men and women of the village, after the conclusion of the lecture—if I may so dignify my speech—have taken occasion to express the most profound astonishment (not to say incredulity) at the educational advantages for the young which I undertook to depict or sketch on a single page of copy. And certainly it would supply much food for merriment, if I were to give an exact transcript of what I heard and endured upon many such occasions, within the past seven years.

In one way and another, in almost every form imaginable, the evidence has come up, plump and dazing, from the sincere talk of the people on the day following the lecture, to the effect that they supposed—and were inclined to adhere to the opinion—that, in order to be seen as a genuine Californian, a man must be described as but little removed in point of humanitarian qualities and disposition from the aboriginal barbarian of New Mexico.

Until quite recently our topography was as commonly misunderstood in New England as in Great Britain; which I hope is an adequate suggestion of most remarkable ignorance, held in the iron, conical shells of a sublime perversity.

A middle-aged gentleman, of very respectable and sane appearance and manner, approached me while I was leaning on the fence that now surrounds the American blarney stone at Plymouth, Massachusetts, in the year 1871, and after introducing himself and ascertaining on his own line of catechism that I was from California, he asked me whether "really now," "in point of fact," there was much more danger from the Indians in San Francisco than from the majority of our white inhabitants, after sunset? And I have been happy to find out afterwards that, in the moment of delirium, I informed my respectful and respected questioner that there was not!

I have gathered such information and knowledge of our reputation and "character" in a New England village, and then have discovered that the edifice in which I have been kindly asked to speak—where I have been cordially welcomed and attentively listened to—the fairest fabric in the whole county—was reared by the expenditure of money earned by a benevolent and public-spirited man in a trading commerce with the port of San Francisco;—a fact which had been nearly forgotten by the oldest inhabitants. And so it was that I came to take such full and careful notes as justify the assertion that there is scarcely a village in New England or New York—and I believe the same may be said of other States in the Union—not one single village or town of any importance, in which there are not now, and in which there have not been for years past, beautiful homes which owe all their high and superlative degree of comfort and refinement—elegance of structure in the buildings and thoroughfares, and superiority of education on the part of the residents—to the fact that the present, or one of the ancestral proprietors gained opulence, or a liberal competence, while residing in or trading directly with the State of California, during the first ten years of its organized existence. And yet, right there, and there, perchance, and probably, above all other places on the face of the earth, we need—if we care for our Pioneers' just meed of honor and fame in our own day and generation—unanswerable, ineffaceable, everlasting pages of vindicatory biographical and political history.

Vindication! Are you satisfied with the "Pioneer Biographies," so-called, that have been prepared by the pens of literary tramps, and published in gaudy volumes, with corpse-like photographs or bilious engravings; published, perhaps, by houses that ought to be, and usually are, engaged in better business? Books that are autobiographic or biographic, with a small per centage of worthy and intelligent men on the list of victims,—Pioneers who, under one false pretense and another, have been seduced into furnishing here an outline for a sketch of their lives. Here they are! sandwiched in between the John Nicodemuses and the Uriah Muddlegoods—portraits of the latter preceding a dozen pages of letter press, in which unstinted adulation transcends the ridiculous and enters into ecstacies which threaten to be immortal. Alas! alas! I have seen these books in many and many New England and New York town libraries, and on the reading-room tables of some of the principal hotels in the Eastern cities. Pioneers of California, whom we so much love and respect, biographically set down in the midst of what we know to be fairy stories—to give the most charitable designation—about money grabbers, and pettifoggers, and penitentiary escapes, whose early history, anywhere, under any ordinary circumstances, would not be of any sort of consequence to any one, unless to a near relation—and then only of interest on the supposition of riches under contest in a Court of Probate.

Are you satisfied with the proposition or the call tantamount to a demand, to yield your announced prerogative and programme in favor of outside collections of materials for a series of Pioneer biographic encyclopœdias; when the historic doom of this State and her early white settlers, after such an abdication on your part, has been so mournfully indicated in the volumes to which it is understood we have been referring?

It is to be admitted—if admission is necessary—that these afflictive publications cannot be stopped or suppressed. But they deserve thus far to emphasize the duty of energetic business by the officers and members and

friends of this organization, in the collecting, under its auspices, and in the ultimate sending forth under its discriminating and honorable editorship, of volumes of biography which will justly represent the Pioneers of the State of California.

Can I be pardoned a closer illustration of my meaning and prayer? In all these morocco-bound, gilt-edged duodecimos, there has been credit found for every enterprise on this Coast, and particularly for the greatest enterprise of our longitude, if not of our age. But it was reserved for the commencement of the life of your Society to vindicate, and to place upon the immovable pedestal of honor and fame, the real author of the stupendous undertaking for which others, in those noodle publications, have had the exclusive credit. I speak now of the vindication of Theodore D. Judah, by the President of the Territorial Pioneers, Hon. John C. Burch, in a paper in the "Annual," which has been sent forth as the first publication of this Society—a paper giving the simple and indisputable facts in connection with the actual, original theory and mapping of the Central Pacific Railroad.

Consider the immense amount of labor in research and authorship that has been expended in every one of the old commonwealths of the Atlantic seaboard, to find out the biographical truth, and to establish before the world the exact relations of individuals who were important personages in the Colonial days. The decision of the greatest of our historians has been reversed, and he himself compelled, perforce, to alter his construction of events and his ascription of motives, within the past few years, with respect to one of the most distinguished generals of the Revolutionary War. And it is but yesterday that the long-ago mooted question as to the existence or non-existence of the celebrated "Blue Laws of Connecticut," so called, received a new revival—(how often has it been the topic of eager historic interrogation!)—and the controversy has broken out afresh upon the interesting and vexatious theme.

Our eminent Colonial forefathers were more noted for keeping close diaries than are our statesmen of to-day. And, allowing for their well-known prejudices, there can be fully as much reliance placed upon their jottings as upon the newspaper records of 1877. And yet, what a turmoil of dissension and discussion we beheld for years—only now settling down upon a lasting basis—touching nearly all their important plans, and deeds, and inspirations! In an incalculable ratio of importance do I see the necessity for your promised biographic work to-day; to save ten thousand serious misapprehensions, slanderous verdicts, and utterly undue eulogiums of "history."

In respectful commendation and encouragement of this section of your plan, I notice the value now attached to the diaries of the Pioneers of older States, which have been rescued from the moths and must of the closets, and garrets, and cellars of Colonial buildings. The thirst for accurate information as to the men and things of those days, seems to have been planted as an unquenchable element in the lives of some of the keenest and most brilliant intellects of the country; and without arguing as to the degree of necessity or propriety for their dedication to the business of searching, and comparing, and storing, and methodically reviewing and reproducing from the folios and letters of our first centuries, we have only opportunity now to say that the vocation which they have adopted, which they have confessed and accepted, has been approved by all who are entitled to criticise or to give a hearty "God speed" in the higher walks and fields of human labor.

Massachusetts, Virginia, Connecticut, New York, Pennsylvania, Georgia, the Carolinas, Vermont, Delaware and Rhode Island:—how have the old parchments and papers been summoned from their ancient chests and drawers, and chimney corners—these ransacked with zealous industry, within the past few years, for the slightest contributions there believed or suspected to remain, deposited or secreted by the Fathers of the Republic. With what tremendous literary appetite has the publications of such records as are indicated, from such sources authenticated—under the introduction and arrangement of distinguished scholars—been taken by the general public! And how universal and profound the response of satisfaction and the anxious admission of strength-in-knowledge and in patriotic pride on the part of every American reader, capable of receiving any deep impressions through developments and analyses of human actions, and human purposes and hopes!

What waste, indeed, there has been in doubting and disputing about every important transaction in the days of the Colonies; true statements of which transactions we think should have been made clear by numberless, individual, simultaneous recitals of facts,—conspicuously preserved! A waste which we now regard with great sorrow. A species of waste inexcusable for our future. A waste, I repeat, to be guarded against on this coast and for these Pacific commonwealths; if the warning of perversion, and misrepresentation, and misapprehension, is ever to be effectual; if ever the honor of fellow citizenship is to be made known and vindicated by any people of a Pioneer generation.

Vindication of the past means, also, and unavoidably, contemporaneous vindication. Within the past six years I have sat in public halls in Boston and Washington, and heard this people arraigned for offenses of which they have never been guilty, and brought under an Accusation of a closely defined and degrading unanimity of impulse and desire and habit which has as little right to a place in an indictment against the State of California and her people as in a series of impeachment articles against any other sovereignty of the Republic. And among the fanciful portrayals by those who have gained notoriety, if not distinction and fame, as literary representatives of this Coast, there has been much to lend countenance to the ideas about California and Californian life which are, or which have been, boldly and baldly set forth by less gifted persons, who have temporarily sojourned among us; while at the same time individuals fully capable of meeting and combating these slanders and dissipating the mildews of this shower of libel, seemed to have been paralyzed by an admitted fear and horror of the strictures of a licentious daily press.

Take the elements of character that have been most prominently displayed in the day-in and the night-out of California life, during the years of the first immigration: and look at them.

We who have lived here twenty years and over, cannot be mistaken in estimating the

correctness of your Pioneer enumeration and descriptions. Let us see.

Is it that essential quality of true manhood which we have named—the comprehensive title of all vigorous and generous natures—"Valor?" "To perpetuate the memory of those whose * * * valor advanced civilization to the shores of the Pacific."

Where are there exhibitions in volume or acted drama more splendid, more full of the terrible grandeur of a magnanimous courage, than have been displayed here within our knowledge, with Pioneers for the heroes of the tale of daring or the scene of tragedy! O! their deeds are yet unheralded and unrecorded in enduring prose; and still they wait for embodiment in the verse of epic poetry, and still demand in vain the masters of the immortal minstrelsy of lyric song.

Put the record of such a hero's deeds into simple and unpretending paragraphs in some country newspaper—those paragraphs written at his best by some friend who loved him with a love of brotherly affection; and though it provoke a thousand tears of pitying admiration among the comrades in the "old Tuolumne diggings," who saw him crushed beneath the rocks which he shouldered and blocked to save his youthful companion, yet, when the recital shall have reached no further than your own metropolis, it will be dressed for the column of miscellaneous items in a manner to despoil it of all its sobriety of force; with the whole picture shaped and colored to provoke the laughter of the editors who shall copy it for Eastern readers, and surround it with still more villainous context of derisive discredit and scorn.

Valor! Was it nothing more than a wild spirit of adventure—is that the very best that can be credited for the majority of the immigration of those eventful days?—that dared the voyage, and through every kind of deprivation and discomfort held men and boys to the prospecting enterprise? Was it a sordid greed for money, for the golden grains of sand, that started them, and that supported the hearts of the 999 of the multitude that rounded "The Horn," or crossed "The Isthmus," or traversed "The Desert," in 1849 and 1850, on their way to the shores of the Pacific?

I have known avarice to come on apace. I have seen the eye grow selfishly fierce, and the hand that once grasped with animation and fervor become cold and fishy to the touch; and I have said that such men had better have gone down into their graves before they thus had a new birth of greed enter within their souls. But few of these have I found among the number of the Pioneers of California. And of these exceptional ones it has been disclosed that they had been breeding towards such a constitutional disease of mind and feeling before the date of their sailing for the lands of the Pacific. And, alas! they have been cunning also to make their own presence known by a self-laudation in a congenial press; while the heroes are comparatively unknown; while the heroic majority has not been recognized abroad; while those grand characteristics of the majority of the immigration have been vauntingly ascribed to the purse-proud few. The miser in the gazette of honor! and a bald fiction in names and incidents substituted for the ten thousand waiting facts of history! How long?

More than this: How long will you not only permit imaginary characterizations and scenes to keep the common view, but also by your silence and inactivity allow that which you know is an unjust record to stand against your valiant companions and friends who have gone before? You have made a vow of reclamation and restitution, and a covenant for the perpetuity of a deserved and honorable fame. "To perpetuate the memory of those whose enterprise, wisdom and valor advanced civilization to the shores of the Pacific."

The valor of friendship! Where else so nobly displayed! The Addisonian invocation and encomium falling upon these rough places in the new world! How the incidents crowd in upon us!

William Garfield Brown, companion of James Kearney, in a six months' voyage—the men first thrown together in that season of hardship—men born in different lands:—William Garfield Brown saw the rickety flume breaking above the head of his friend, and quick as a flash he remembered—(so he lived to say)—that while he was alone in the world, with no kith or kin, that friend had a family—wife and little ones at home—dependent upon him for their bread—with all their love centered in him; William Garfield Brown rushed in, and at his mortal peril caught the trembling timbers—and tottered and fell—lying there, a crushed and bleeding wreck of humanity—that James Kearney might escape uninjured. Where is the record? Who has seen his name in the annals that ought to have been written and published, to transmit name and deed for the sake of gratitude—for a stimulus to heroism—for the vindication of Pioneers—for the glory of the race?

Though a score of witnesses here and there attest a thousand such and similar scenes, there is no graven prominence for them on the page of your commonwealth's history. But instead, the flabby conceit of the maudlin wag is displayed in straggling narratives; and instead, the deeds of crime and violence on these shores are gathered up and restated with all possible exaggeration of details; and the sweeping slander of Pioneer character goes on and on, in cheap and funny rhymes and dialect doggerel—on and on, unchallenged, over the face of the earth.

I am glad that there is an association now existing which means business when it says, "To collect and preserve historical facts and information in connection with the early and subsequent history of the Pacific Coast," and "to perpetuate the memory of those whose enterprise, wisdom and valor advanced civilization to the shores of the Pacific."

The reckless and the criminally wicked type of men and women is now the standard for judgment in the Eastern States and enlightened Europe, as to the character of the vast majority of California Pioneers; and this, too, when the fact is manifest to us that, of the hardened classes in California in Pioneer days, many came here to successfully fulfil a pledge of reformation, and in the great strength of their natures to illustrate the divine hope that ever lives in the bosom of humanity. And this, too, when the history that should be rescued shows that many who came here with their baser elements in mastery of the man, were, by the very emulation of brave deeds, carried up to honorable conduct and a generous and fraternal life.

And here came men of noblest blood and gentlest lineage to obtain, by the charm of

their manners and the delightful candor of their speech, and the cordial sentiments and noble deeds of their daily walk, the unquenchable admiration and affection of their fellowmen in the Pioneer years; and to continue to captivate and refresh their companions a little way down the stream of life; and often to disclose the splendid magnanimity of their souls in their behavior at the times of dangers and encounters which were almost inseparable from public life in the early days of the commonwealth.

I remember, and you remember, when an antagonist of hasty and ungovernable temper plunged a sword into the breast of such an one. The weapon of deadly retaliation was drawn and pointed; the hammer was lifted; the escape of the assassin from the rightful vengeance of the assaulted man was impossible! But in the midst of the awe of certain death was the life of a celestial triumph, proclaimed in these words: "No! I could kill you; but I will spare you for your wife and your children's sake!"

O! Mother of Presidents! Grand old Dominion of Virginia! O! noble house of unsullied escutcheon! Your renown for heroic sons seems full with the revolving years. But never, never was there more of honor wrought for thee in the heart and in the word and deed of man—suffering unto martyrdom—perfectly self-controlled in the face of the last great enemy—than was set in our heaven and memory by Charley Fairfax, of Sacramento.

But these scenes are passed by—never recorded of man—while authorities are paraded for a general judgment against the whole people of those early times; and elaborate eulogies are written and published in behalf of "good men for the city," and "good men for the State," who never did an unselfish act, or, so far as we know, prolonged the existence of an unselfish thought into a deed of benevolence; but who have always managed to cultivate a newspaper notoriety for excellent citizenship, while their shrewdness preserved them from merited opprobrium and punishment for a thousand petty tricks of malevolence and fraud.

Is it the Valor of Trustworthiness? Why, you can take away the breath and give a spasm of hysterics to some thousands of our best citizens in the Eastern States, who set themselves up in regular jury upon this people, by pronouncing such a phrase in their presence in favorable connection with the title of the "Pioneers of California"! For they have always believed, and they firmly believe unto this day, that gamblers and their natural consorts and allies, made up the principal portion of the army of 88,000 that came to California in '49 and '50. The trustworthiness of the Pioneers of California! And yet, we who came from New England know that fully one-fourth of the young men who left that section of the country to take up their abode in California for a season, were enabled to make the trip by the contributions of various sums from different investors; from investments of one hundred dollars and upwards;—these sums advanced upon condition of a return of not less than one-half the amount which these young knights of immigration might be able to gather and save in the "diggings" of California, within a specified period of time.

And well we remember—for how many affecting incidents can we readily recall under such a heading—that if these brave boys survived the perils of the double voyage and the hardships of the mining camp, and did "make their pile"—as most of them did—that within one, two or three years from the date of their contract, they carried back every dollar of their absolute savings, and made an honest distribution of their golden assets. I remember something of a score of such instances—each one worthy of a paragraph in some record that ought to be written—as a vindication of all the people immediately interested, and a theme of common congratulation.

I remember well when Henry Kilbourn came back to a New England town, from a three years' term of labor in the northern mines of California. He was all shattered with small-pox and Panama fever, contracted after he left the port of San Francisco on his faithfully promised return. We watched him as he stepped from the cars at the little depot of his native town, and then we knew that his days were numbered. Scarcely able to walk, he was greeted by his old school-fellows and friends with an inconsiderate earnestness that visibly taxed his powers of endurance.

He was quickly taken to his own old home and laid upon the couch from which he was never to rise a well man. As soon as possible he dispatched a messenger to my father, attorney and counselor at law, in order that the declaration of his earnings, which he had written in the mining camps, might be put into an authentic and legal form, and that the proportion of return and recompense among his neighbors, who sent him to California, might be fixed and distributed.

Henry Kilbourn hastened to do this, though he believed that he should recover his accustomed health after a little rest, under his mother's nursing. He hastened to do this in order, as he said, that, in any possible event, there might be no stain upon his honor. Five other townsmen had gone with him. He, alone, of that number, lived to return. But one other had sent by him twelve hundred dollars, and this amount was given into Kilbourn's hands with the same injunction of faithful return and distribution. Five hundred dollars had been Henry Kilbourn's outfit, and two thousand dollars made up the sum given to his companions. He brought back $24,000—and $12,000 was distributed according to contributions and investments within three days after his return. And when the money due was all paid, and the receipts were all in, and he had all the papers and acknowledgments in his hands, he thanked God that his "debt" was canceled; and only then, apparently, was he able to begin to feel and heartily express gratification that so large a sum as $12,000, or nearly that amount, would, in the possible event of his early death, be left to his aged parents for their future maintenance and support. Shortly afterward we followed him to his grave.

And the $12,000 *was* a great sum for his venerable father. The story, moreover, bears yet another evidence and suggestion.

For, in his vigorous old age, Hiram Kilbourn, the father, took the legacy of his dead son, and made of the old Kilbourn acres one of the finest farms in that section of New England. And to-day it may be said in all literalness of truth, that there are twelve thousand golden dollars from the California of '49 and '50, and '51 and '52, transmuted

into solid material prosperity and wealth on the old Kilbourn farm.

Henry Kilbourn was one of ten thousand sons of New England who went and came, who toiled and won—returning with such a recompense of reward, of riches, and of honor. Would it not be interesting and pertinent to your scheme, and on many accounts appropriate and useful, if the statistics of such out-go and such applications of Pioneer gatherings of gold should be traced in some authentic publication under the auspices of the Territorial Pioneers of California? I happen to be able to present an authentic and verified illustration.

And yet, and yet, I dare to say that if you will go into that town to-morrow—where, I firmly believe, there are as many good people as you will find in any other place of similar population on this planet of ours—you will gather, if you seek, a general judgment which will set down the 999 of the Pioneer immigration of California as composed of unmitigated vagabonds and thieves. And if you were to utter the truth in the presence of that people in this wise: "At least one of the most delightful farms in this valley, this 'garden of the Lord,' was raised from the look of poverty and sterility to excellent thrift and unsurpassed beauty and fruitfulness, by the direct importation and expenditure of California gold in 1852 or '53," you would certainly be met with all the pitying, if not scornful, responses that are compatible, under any circumstances, with gentlemanly breeding. They have forgotton the facts! Is there not need of systematic vindication?

There is at all times an infatuation in the intense realization which we have of the present, which makes us ready to believe (and unwilling to harbor a different thought) that history will vindicate itself, by some specific gravity of truth! We who profess a keen interest in, and a large knowledge of, contemporaneous events, are perhaps equally liable with the most ignorant, or unobservant, or complacent, to be thoroughly under this delusion.

But if you do observe the shadows that have covered the names of men whose record belongs within our nation's history—shadows that have been removed by the most diligent labor, and by the most vigorous and vexatious of discussions, if removed at all—and if you recall the many instances where credit for great and glorious deeds has been misplaced for centuries, until the conscientious and persistent industry of the accomplished historian, or the providential event of historical discovery, has brought the truth of character and of action to light—dethroning a fraud and raising up a new hero—you will be again and again mindful of the duty which devolves upon this organization,—this night and henceforth. Have I not already alluded to one instance of redemption from possible oblivion? A chapter of vindication set in popular and permanent volume by the Pioneer who presides over this assemblage to-night, and who wrote the sketch of Theodore D. Judah. "To collect and preserve historical facts and information." "To perpetuate the memory of those whose wisdom, valor and enterprise advanced civilization to the shores of the Pacific."

I know of men who, in your halls of legislation, have accomplished a great and brave work for this people—who wrote, and urged, and successfully advocated measures for the public good—who have not one syllable of permanent credit in all the State; while their efforts, and faithful labors of patriotism, have been ascribed to other pens and other advocates, and other legislators, and are so credited unto this day.

Pioneers: If the story of this little human life is worth anything, you have all the debt and duty that has been outlined. Your bonds of fellowship, all that is common to friendship, and innumerable and peculiar ties and ligaments of association, and affection, and ambition, render your programme of history and biography pre-eminently just, and worthy of the most scrupulous and exact fulfillment.

Standing without your portals, witnessing, during these twenty years, with a profound and ill-concealed sorrow, the many false assumptions of honors of Pioneer adventure, and welcoming with undisguised gratification the occasional, and all-too-few, rectifying struggles and achievements of some intrepid members of Pioneer societies, I believe that I can give utterance to an almost universal sentiment when I say, that the time has come for a thorough work of procuring authentic memoirs, and transcribing them for an approximately thorough encyclopædia of California biography; the commencement of which grand work may be hailed as of the date of the existence of the Territorial Pioneers?

There is an infatuation, to the effect that book-jobbers will do this work without such organized action and oversight and supervision. No, it is not exactly an infatuation; it is something more than that, as well as something different. The book-jobbers will do this work—that is, they will do *a* work that will be called by this name. But they will do it without your direction, or in the absence of your text, in a way to continue the errors and wrongs complained of, and to increase and magnify the misrepresentations that already abound and grievously afflict many of the children of men.

There is an infatuation enforced, if not originated, by many proverbs, precepts, and essays, to the effect that all labor of romancing and song-writing for the people of a nation, and more particularly all labor in departments of history, will come without invitation, or special encouragement; that any avowed craving for the products of such labor, on the part of the people of a nation, is useless, unseemly, perhaps vulgar, and to be deprecated, at all events, as of no practical value—if not almost sacrilegious! "Useless," at least; as never bringing, or contributing to draw forth, fruits of positive merit; as calculated to engender only an unwise ambition in the minds of immature and inferior writers; only operating to excite a rush of fools into the literary treatment of themes which the wisest men and scholars alone should be allowed to touch, and so to illuminate and adorn. There is a truth to be confessed in this direction. There is machinery for passing words around and under a topic, which is set violently in motion in the midst of some popular desire or demand. One grand success in any department of literature is apt to beget a host of imitators, whose works do condemn them, and whose works do torment the intelligent but beguiled and betrayed purchasers of current literature.

But still I call the idea of absolutely voluntary originality—if that is a permissible phrase—(it sets down what I mean)–I call such an idea an infatuation. Good books of every kind are the product of diligent study and hard labor. There is an argument, there is a logic, and, most necessarily, there is a careful and sometimes elaborate statement in all compositions that will abide the test of time, and meet the requirements of an enlightened public. And the one simple recitation of facts against the other, with respect to this infatuation, shows the middle truth.

How oft repeated is the urgent wish for superior historical writers in every department, with the added admission that their appearance will be spontaneous, and can have no possible relation to an earnest, general call for such a class of devoted authors. The suggestion that there is any connection between the production of excellent romance and ennobling and inspiring epic rhyme, and the universal wish, distinctly made known in a thousand ways, for the forthcoming of such works, is held to be abhorrent to every sense of literary propriety, and every alleged experience of civilized and refined communities.

I have not time to debate here; I can only state a conviction which seems to me to be unavoidable.

From the minds and souls of the inglorious Miltons there might have come songs of infinite beauty, if it had seemed to them that there was an appeal from the public to the unsealed bosom of the poet.

Has the music of our own acknowledged and beloved poet laureates been less enchanting, or have they appeared to be cramped in theme or pinion, because the day is one of quick recognition of genius? Or have they fallen from their former grace since inspiration has had a market value assigned to it, as it was translated and drawn out upon the gleaming page of "copy"? Have the histories of Bancroft, and Prescott, and Motley, and Macauley, been less and less excellent, according as the demand arose for their continuation, and a general homage came to their doors like a flood? Did Dickens and Thackeray lose their fancy or slight their work in the glory of fame, or under the pressure of a tremendous popular hunger for their contributions? No! There is not anywhere a more appropriate connection between demand and supply than in the fields of literature.

Of course, of course, the magician must be born. But having an existence on the planet, and being educated to a facility of utterance, and hearing the cry of wish and longing, and passing into the solemn temple of a great expectation, his labor, his industry, his persistent application, is helped, not harmed, by appeals of general patronage and celebrity; is focalized on the best objects, not scattered on diffusive sketches,—so focalized day by day, unto the end of his ambition, the fruition of his earthly hopes, the highest happiness of his world of fellow-men.

There is a drudgery of literary toil which the hermits bear, with the aid of heavenly visitations. This element in the grandest of all work among men is now lightened in the life of great thinkers by the expectant hush of a nation, ever pausing for the good word and work of a genius; it has no place in the toil of the master writer whose fame is fixed, and whose theme seems to be living with the people in the very hope of his contemplation and his judgment.

There has been a vast mistake in waiting for moods of literary labor; there has been the testimony of the great body of competent authors to the virtue and valor of uncompromising hard work,—after it shall have seemed to them that the voice of the people is as the voice of God!

Let us not hesitate to quietly, decently, but audibly or legibly, state our eagerness to hail the men of capable understanding, and facility, who will write for you, and for us, and for our children, the story of the Pioneer, in all its varied and splendid phases of adventure, of intrepidity, of tragedy, and of mirth. Let the young men of admitted strengthof mind, who purpose such labors, be not discouraged in the first commencement of devotion to this department with the cry of "gush," from pedantic pessimists and blackmail critics in the employ of the mercenary managers of a venal press.

It is not to the credit of California that the few among her adopted sons who have rightly obtained renown as distinctively Californian writers of history and rhyme, have sometimes turned from their exalted place to do the bad business of belittling every other writer who sought the field which we would have so assiduously cultivated. Nor can I refrain from adding, that I do not doubt that it is to this, as one of the chief of causes, that is to be ascribed the deficiency in this department of literary labor, wherein I have this night urged a culture and devotion, as pre-eminently worthy of the sons of California.

What more delightful season of fascination for the Californian whose immigration was of the latter half of the first decade, than to sit down and listen to the tales of some of the older Pioneers of the Coast, recounting the scenes of the first few years of American occupation? Rare and luscious records and traditions! only qualified in their enjoyment by the very thought and wish and hope for a collection of the many veracious recitals, under a judicious method of supervision and arrangement. Suggesting, how often! a far better foundation and thread for narrative poems, for stringlets of bewitching rhyme, than has ever yet been put into the immortal verse of Longfellow! Bequeathing or suggesting a body of wit, and a flavor of exquisite humor in stories and song, transcending the very best of the very excellent, but scanty, discursive prose and poetry that has been vouchsafed for the margin of the California histories that ought to be, and to which we have already had your indulgence to anticipatingly refer.

And to think—to think, that instead of the systematic transcribing, under good auspices, of the memories now fading into ashes—without mercenary motive to alter or pervert—and where there could be quick correction for error of statement—we have only travesties and caricatures, which omit or ignore the moral and the beauty of all this vast treasury of anecdote, incident and song! May we not hope that it is kept a little while longer for the pen of truth and skill, whose words shall appear under the Pioneers' signet of authentic publication?

What comedy! what tragedy is here! What romance! Where is there such a field for record and embalmment? Golden sands

in every gulch, and jewels of wondrous lustre on every mountain side!

For seventy years the uplifting of the American people in material prosperity and advantages had been wonderful. But, after all, there was a comparatively fixed line and journeying of incidents in this Republic of ours. Then, suddenly, burst upon the world the discovery by Marshall, at Sutter's Mill! Within the eighteen months that followed, ninety thousand people were precipitated into the State: and there was a new era in history! From all parts of the country, and all parts of the world, they came; and here they intermingled with perfect freedom. The one object all confessed. But what a diversity of motives lay behind the resolution of the multitude; contributing to make up an aggregate life full of novelty and electric cheer! Ah! what scenes; what incidents; what combinations of circumstances! The working out of fresh dramas every day; leaving memories of another world!

Are you satisfied with what has been pronounced from these vast opportunities for literary record, romance and poem?

The most determined people, the most valorous, the most polite, the most trustworthy: how have their names and biographies been written or outlined before the people who have never seen them, and yet who have reaped, and who are still reaping, the greater harvest of good from their cheerful toil.

We are seeking for motives upon which to lay foundations of good citizenship. Without detracting from that which is said to be the highest spiritual stimulant and confirmation into good conduct and the steady industry of a just life, we have a right, and desire, and duty, under the latitude of our text, to inquire as to subordinate, secular grounds for impulse and an education for truth and magnanimity. Patriotism is now held to be a distinct element and virtue,—so determined beyond the bounds of disputing and contention. A patriotism of State pride is to be commended here for us and for our children. They shall be the best of historians and biographers; but only so with your plain and specific encouragement now, and your record and example to-morrow. Only so. As historians, as poets, as novelists, as painters, and as sculptors, they shall take from your veracious recitals the suggestion and the strength of their labor. With you the story may be one of simple details of facts; but in one form or another, from this generation, the record should go forth true, and as the truth enshrined. Then history, and romance, and song, and painting and sculpture, shall rise under the ministry of your children, and your children's children, in the golden commonwealth of California.

"Oh! fair young land; the youngest, fairest far,
Of which our world can boast;
Whose guardian planet—evening's silver star—
Illumes thy golden coast;

"How art thou conquered, tamed in all the pride
Of savage beauty still;
How brought, oh! panther of the splendid hide,
To know thy master's will.

"No more thou sittest on thy tawny hills,
In indolent repose;
Or pour'st the crystal of a thousand rills
Down from thy house of snows.

"But where the wild oats wrapped thy knees in gold
The plowman drives his share;
And where through canyons deep thy streams are rolled,
The miner's arm is bare.

"But in thy lap, thus rudely rent and torn,
A nobler seed shall be;
Mother of mighty men, thou shalt not mourn
Thy lost virginity.

"Thy human children shall restore the grace
Gone with thy fallen pines;
The wild, barbaric beauty of thy face
Shall round to classic lines.

"And Order, Justice, Social Law shall curb
Thy untamed energies;
And Art and Science, with their dreams superb,
Replace thine ancient ease.

"The marble sleeping in thy mountains now
Shall live in sculptures rare;
Thy native oak shall crown the sage's brow,
Thy bay, the poet's hair.

"Thy tawny hills shall bleed their purple wine,
Thy valleys yield their oil;
And music, with her eloquence divine,
Persuade thy sons of toil.

"'Till Hesper, as he trims his silver beam,
No happier land shall see;
And earth shall find her old Arcadian dream
Restored again in thee."

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Depreciation.—A Play in four acts. Place, San Francisco, Cal.: Time, 1863 and 1864. "We see, by the copyright notice, that the author is Charles A. Sumner, now State Senator from Storey county. * * * It is an admirably written comedy, showing up the mushrooms of San Francisco with an artist's hand. The 'Love Passages' in it are excellent. It would prove a hit, we think on the New York City Stage. As a memorandum of 'things' as they are in social life in San Francisco, to-day, a historian of society may take notes."—*Humboldt Register.*

Then and Now.—A Centennial Discourse; delivered at Quincy, Cal., July 4, 1876. "The best Centennial Discourse that I have seen."—Hon. L. Q. C. Lamar, U. S. Senator.

The Political Retrospect, and Our Duty.—A speech delivered at Placerville, April 4, 1877.

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SUMNER'S POEMS: By Samuel B. Sumner and Charles A. Sumner. On heavy tinted paper, with three engravings, comprising plate portaits of the authors on steel. 12mo., 500 pp., imitation morocco. For sale by Roman & Co., San Francisco. (Second edition.) Price $3.

We have been acquainted with Col. Chas. A. Sumner these many years, and have known him as a gallant soldier, an able editor, a telling orator, and as a gentleman of marked literary ability if not genius; but we have heretofore not known much about him as a poet. The perusal of the beautiful volume before us, consisting of the poetical productions of Colonel Sumner and his brother, has given us much real pleasure, and we must say, surprised us. We did expect to find such noble thought, earnest patriotism, and spirit of independence in the poetry of a man, who has hever yet worn the collar of servitucc of any human being or corporation, though often sorely pressed by necessities and tempted to the last degree; but we did not expect to find so much delicate feeling, softness of heart and tenderness, as is expressed in some of these lines. We look upon the volume as a valuable acquisition to our library, and the best proof that we do not over estimate its value, lies in the fact that the first edition is already exhausted, and the second one also well under way.—*Sutro Independent.*

This book gives us an agreeable surprise. We have long been acquainted with Charles A. Sumner as a writer of vigorous and eloquent prose, and a public speaker who had the power to find the most direct way to the judgment ahd conscience of a popular audience. His public speeches have ranked high both in matter and manner. But of the Sumner brothers as poets we confess we knew but little, and after the announeement of the volume before us, we looked for its appearance with no little interest. Now that it is before us, we repeat that it gives us an agreeable surprise. These poems have melody, harmony, strong, healthy thought, earnestness, and that indefinable glow which distinguishes true poetry from mere verse making. But if there is a morbid line in the whole 500 octavo pages, we failed to discover it. We shall vindicate our judgment of the merits of this beautiful volume by quotations hereafter. In the meantime, we shall put it in the best company in our library, advising each of our readers to get a copy for himself. For sale at A. Roman & Co.'s.—*Fitzgerald's Home Newspaper.*

Herein will be found verse to suit the grave or gay, the lively or severe. There is no lack of variety in them, measure or locality. In some of the pieces are dignity, in others local interest; in a portion wit, and still again poetic art. There are vivacious offerings and some of bright humor. Many of the lines are attuned to delicate sentiment and tender pathos, while others swell with the resonant notes of stirring patriotism. A melancholy interest attaches to its later pages from the speaking likeness contained therein of the poet's brother, Albert Increase Sumner, who perished at the wreck of the steamship Atlantic, off Halifax, in 1873. A poem, "In Memoriam," conveys in fervid phrase the deep grief that fell upon his surviving friends at the annoucement of his sudden death.—*S. F. Evening Post.*

The poems are tuned in many keys, from grave to gay, and are a collection of verses, written at various times and on various occasions. All of them show the possession on the part of the brothers of true poetic talent. Some of the verses are very tender and delicate, and the rythm flows on with a charming grace that fascinates the reader and appeals at once to his æsthetic taste and gratifies his penchant for the divine art. In the lighter pieces the author's fancy runs riot in many charming conceits, and one is carried along in unison with their exuberance and imagery. One of the joint authors, Charles A. Sumner, is well known on this coast, and has acquired a wide reputation in other fields. His versatile genius is well exemplified in his departure into this new domain of literature, and, after a careful study of his last work, we are of the opinion that he has gathered fresh and enduring laurels. We hope that he will give us a further touch of his ability in the same line.—*Eureka (Nevada) Sentinel.*

This is a book of 500 pages, handsomely printed on tinted paper, containing the poems of the brothers Sumner, the latter of whom is well known in California. They have been written as the spirit moved or as the occasion pressed during the past fifteen or twenty years. There are many gems of thought and expression, numerous elegant, stirring and effective passages scattered between the leaves.—*Sacramento Daily Bee.*

This is a handsome volume of nearly five hundred pages embracing the lyrical effusions of two distinguished followers of law and literature. Mr. Sumner is a brilliant member of the Connecticut Bar. The lines to "Julia in Heaven" by Samuel B. Sumner are very fine, and entitle him to rank in the brotherhood of poets. The same may be said of Charles A. Sumner's "Poem delivered before the I. O. O. F. of San Francisco, Cal., 1863." It is a noble tribute to a noble order, and like many of the author's productions, abounds in trenchant hits on humbug and hypocrisy. The volume, while pleasing to the general mass of readers, will hardly be so to the venal newspapers, as the poetic satire and invective of Charles A. Sumner strike home like a whip of scorpions. —*Daily (S. F.) Mission Local.*

The "True Life," by Samuel B. Sumner, is a rhymed sermon worth many a perusal. "*Martyrdom in the Temple*" is a humorous composition, by Charles A. Sumner, which was printed in the August number of the *Journal*, in phonographic characters. It illustrates the author's power of vivid description and poetic imagery. Mr. Sumner not only knows how to wield the phonographic pen skillfully, but he is able to speak and write things well worth the care of the Art Preservative.—*Students' Journal (N. Y. City).*

Brilliant in humor, delicate in sentiment, fervid in patriotism, and stirring in historic song.—*Santa Rosa Democrat.*

Contains many exquisite gems of poetry.—*The Pioneer.*

The authors exhibit the possession of genuine poetic genius, in verse that is more or less edifying or humorous, and always enchanting and inspiring.—*San Francisco Daily Examiner.*

A happy blending of pathos, humor, and lofty sentiment in the Poems of S. B. and C. A. Sumner combine to make this one of the most readable and best enjoyed books that I have read in a long time. * * The fact that one of the authors is a resident of the Pacific Coast, and the fact that many of the poems contained in the volume were produced in California and Nevada, should be a source of gratificatron and prideo t us all.—*Hon. Everett B. Pomeroy, U. S. District Attorney for Arizona.*

I expected from the pen of Charles A. Sumner sharp and stirring and inspiring assaults upon every prevailing form of social and political hypocrisy and fraud; but the delicate imagery and the tender and irresistible pathos of many of his compositions printed in this volume make a new revelation to me of his genius as a true poet of humanity and nature.—*B. C. Brown, late Assistant Editor San Francisco Bulletin.*

The "Odd Fellow Poems," by Charles A. Sumner, are epitomizing, poetic arguments, defensive and aggressive, in behalf of Odd Fellowship. * * * The humorous poems are worthy of Saxe or Holmes.—*New Age* (official California organ of I. O. O. Fellows).

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EULOGY

—ON—

HENRY EDGERTON.

EULOGY

—ON—

HENRY EDGERTON.

N. S. WIRT.

EULOGY

— ON —

HENRY EDGERTON.

Delivered at a meeting of the Bar, held in the Superior Court of the City and County of San Francisco, on the 26th day of November, 1887. by N. S. WIRT, *a member of the Bar.*

The solemn announcement has gone abroad through the public journals of the State, that one of the oldest, one of the ablest, and one of the most distinguished orators and members of the Bar, has departed this life. Henry Edgerton is no more! He was born in the town and county of Windsor, State of Vermont, in 1830. His father, Edwin Edgerton, his brother, Calvin Edgerton, and his sister, Mrs. William Aitken, are all who survive of this noted family. His mother was a very talented woman, and died many years ago. In the last great war when the tones of the voice of

Henry rolled the longest and the loudest, George, his *only other* brother carried the sword and musket on the field of battle. He was promoted for gallant military services, and fell in the midst of the din and the roar of the conflict, while making a bold *charge in the battle of Antietam.* Henry was, even in his youth, an intellectual prodigy. He attended the village schools, and Castleton and Burr seminaries. He was not a graduate of any college, but by study, reflection, and industry, he became a rare and ripe scholar.

It has been said that while in his early studies and the flights of oratory of his youth, he often ascended the loftiest mountain, and looked out for miles and miles on the great fertile acres of land; on the looming of the distant mountains; on the old Connecticut flowing silently and gently towards the great ocean, to gather up rich and original themes of thought. From the summit he could look down, with uninterrupted vision, upon the wide expanse of the world around him ; and upward, to the open and vaulted heavens, to keep him in mind of high responsibility. He marveled at the growing greatness of his country. Every model to which he looked, and every great master to whom he appealed, only moved into life the scarcely dormant energies with which heaven had endowed him. He early turned his attention to the profession of the law. He was admitted to the

Bar when about twenty-one years old. He had been taught by his father to look with reverence upon the science of the law. He had learned from Hooker that "her seat was the bosom of God, her voice the harmony of the world." He came to California about 1854, and located in Napa County, just the time and place for the young orator to display his talents. He soon marched to the front rank of the profession. His ability as an orator and a lawyer attracted attention everywhere in the State. He became famous for his genius and his learning. Some of his speeches were born of great labor. His great efforts and triumphs in the Senate, in the forum, in the Capitol, in the canvass of political campaigns, when the storms of war raged in our country, belong to our State and to its history. Nearly all his efforts, all his thoughts, and all his life were devoted to the welfare of California. His life contains instructive lessons. Born to no advantages of wealth or position, he raised himself to what he became by his own labor and exertions.

He had genius to shine without labor, but he considered genius nothing without labor.

Labor Omnia Vincit.

"He has left an example which those who seek to raise themselves to great heights of professional eminence, will emulously study." Few, indeed, will

be able to imitate it. Some men are born great; other men achieve greatness; and some have greatness thrust upon them. Nature had bestowed on Mr. Edgerton the talents of a great orator, and those talents had been developed in the best manner. His declamation was copious, polished, and splendid. In modulation and power of expression few were equal to him. His sentences were elegant and perfect. He loved justice, the law, and the good opinions of the wise and just. His last great effort in this Court for the prosecution, in the case of Joshua Hamblin, charged with murder, is known to all of us. It seemed once that justice would fail. The defendant had many trials. George Knight, the counsel for defendant, was a worthy opponent—eloquent, a man of force and great power of expression. But the orator and genius of Napa County was determined not to be outdone. The case had been pending about five years. After he entered into the contest and conducted the prosecution, he succeeded in convicting the defendant of manslaughter. His address was admired by every member of the bar who heard it. All of it was such clear, concise logic. Every word was well spoken. He uttered such sweet tones of cadence which charmed every one who heard them.

He had rare accomplishments. In music he was proficient. He could sing, perform, and was almost a master of the art. He was familiar with the

whole round of English literature. He read the ancient classics. He could as easily relate the details of biography as he could the thrilling events of great battles of war. He saw and heard Webster, Clay, Everett, Choate, Calhoun, Prentiss, David Paul Brown, Douglas and a host of the greatest men of the country. He adored Andrew Jackson. His narrative of the struggles and sad misfortunes of Jackson in his early youth will not be soon forgotten. He said, "that Jackson's mother became a widow when her son Andrew was only two years old. When the tide of war rolled around her, like a Spartan mother she put the harness of war on all three of her sons to fight for their country. The oldest son fell at Stono. The other died from wounds received in the war. Andrew, the youngest, was brought home all sick and utterly helpless. His mother had gone on errands of mercy to convey comforts and necessaries to the poor soldiers; took sick in the midst of her noble deeds, and died before she could reach home. Andrew Jackson then had no relative left on earth—he was left alone to climb up the hard, rugged hill of life. No monument stands over the grave of the mother of Jackson, but her memory will never be forgotten, and will ever live in the deathless fame of her son. History, poetry, oratory, and marble and paintings will hand down the military exploits of General Jackson for ages and ages to come."

The profession of the law has lost one of the brightest of its ornaments. The people a great orator and true defender of their rights. The rich and varied stores of learning acquired through years of study, thinking, memorizing, reading and observation, cannot be given to us any more. Those have gone with him to the grave.

The few short hours he last spent with his fellow-men were devoted to the most difficult and arduous task, pertaining to the profession of the law. In his last night and last hours of toil—he was surrounded with the comfort and solace of his whole life. History, biography, poetry, great orations, elaborate political and juridical disquisitions, and great opinions of great judges. He was cut off in the noontide of his labors, then night came, and all his triumphs on earth ceased. It is given unto all men to die.

> **"As the long train**
> **Of ages glide away, the sons of men—**
> **The youth in life's green spring, and he who goes**
> **In the full strength of years, matron and maid,**
> **And the sweet babe, and the gray-headed man—"**

Each are summoned in their turn to that world buried in the mysteries of an unexplored eternity. The brevity of human existence has been the theme of melancholy reflections in every age and in every land. When Xerxes, the imperial despot of Persia, had assembled his mighty army for the invasion

and conquest of Greece, he erected a throne upon an eminence where he could sit and take in at one view the vast number of his followers. As he looked over the great glittering array of his army, his heart was at first expanded with pride, but in a moment it sank within him, upon reflection, that in one hundred years not one in all the mighty host of his army would remain in the land of the living. Death, change and decay are the incidents of human life.

Mr. Edgerton, in his last days, never spoke of death. He once recited this stanza :

"I am dying, Egypt, dying,
Ebbs the crimson life-tide fast,
And the dark Plutonian shadows
Gather on the evening blast ;
Let thine arms, O Queen, enfold me,
Hush thy sobs and bow thine ear,
Listen to the great heart-secrets
Thou, and thou alone, must hear."

The odd freaks of this man will be told over and over again by the old farmers to the Summer tourists enjoying much-needed rest, beneath the shady oaks of the County of Napa. He learned enough and lived long enough to "bear criticism without irritation ; censure without anger, and calumny without retaliation." He had learned *that schemes* of evil brought disaster to those who supported them. "That the granite shaft of a noble reputation could not be destroyed by the

poisoned breath of slander." He realized "the comparative littleness of all human achievements." If success crowned his efforts he was not elated. He knew it would not do to trust too much to the future ; that swift-coming death might cut him off at any time. His motto was to enjoy life well. If he succeeded he rejoiced. The last words he ever uttered heard by mortal ears were, "Good night ! good night ! !" And words which were an eternal adieu to all in this world.

The room where he died looked sacred. On the shelf of a little book-case, within the reach of his hand from the couch upon which he laid, was a great speech on the "Lost Arts," eulogies on William Lloyd Garrison, and Daniel O'Connell, by Wendell Phillips; the biography of Lord Brougham, by Lord Campbell; a sad tome of poems, and a huge volume of the Holy Bible. There, silently and alone, he spent his last moments, his last thoughts on earth, until "the morn had borne his breath away."

> "Nothing can cover his high fame but heaven;
> No pyramids set off his memories
> But the eternal substance of his greatness;
> To which I leave him."

We loved the man in his lifetime, and do honor his *memory now* that he is dead. Farewell for a little while, O serene, fearless, marvelous man !

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ADDRESS

ON

MEXICAN INDEPENDENCE

BY

COL. J. A. ZABRISKIE.

ADDRESS

ON

MEXICAN INDEPENDENCE

BY

COL. J. A. ZABRISKIE.

On the occasion of the celebration of Mexican Independence in Tucson, September 16th, 1887, our fellow townsman, Col. J. A. Zabriskie delivered the following address:

Fellow Citizens: Wherever under the broad canopy of Heaven the sun shines upon a people struggling for liberty, there Americans drop their tears. Wherever upon God's green earth a race is manfully battling against the galling slavery of superstition and effete ideas, there Americans extend a helping hand. When a neighboring nation, domiciled upon the same broad expanse of continental domain, possessing the same exalted aspirations, burning with the same noble ambition, inspired by the same love of freedom, having escaped the same tyranical usurpations of despotic power, having passed the fiery ordeal of war and desolation, and having suffered the constant and bitter pangs of disappointed hopes, longing for the tranquility of quiet repose, and yearning for the

triumphs of white robed peace with all its quiet beauty, firm in its devotion to truth, and with a persistent determination to throw off the yoke of despotic power, and join the van of intellectual freedom. Such a people, whenever found and under whatever circumstances existing, are our fellow citizens.

No nation can boast of a history so thrilling, so varied, so peculiar, so fascinating, and so strikingly interesting as that of Mexico. Her origin is shrouded in mystery and doubt. There hangs about her traditions a halo of chivalric glory, which charms the attention of the student by its magic spell of romantic beauty. From the time when the Toltecs invaded her borders in the seventh century to the period when Cortez and his indomitable followers landed at Vera Cruz in the sixteenth, the history of Mexico is filled with startling recitals and blood curdling adventures based upon fact and legend blended together in the most harmonious and delightful combinations. The conquest of Mexico by Cortez and the overthrow of the Aztec dynasty, form one of the most remarkable episodes in all the realms of historical annals. The firm establishment of the Spanish power gradually subverted and destroyed the cherished traditions of an antique race and brought the Aztec and surrounding peoples into accord with the demands of a new civilization. Spain had passed her zenith and was tottering upon the verge of a permanent decadence. The chivalry of the fifteenth century was introduced into Mexico and the peculiar ideas of government which

cemented the political and ecclesiastical into one cohesive solidified power, was left as a legacy to Mexico by the avaracious conquerers. The establishment of such a despotism could not fail to leave the impress of its blighting effect upon a people just emerging from the slavery of conquest and compelled to accept involuntarily the grinding tyranny of a military protectorate in lieu of a voluntary obedience to autocratic power.

At the very outset of her career as a civilized nation Mexico was fettered in the iron embrace of despotism. This new candidate for governmental honors was nearly throttled in its cradle by the giant foe of freedom. The seeds of monarchical power were sown broadcast and the bitter fruit garnered from such a harvest produced turmoil, anarchy, confusion, despotism and cruelty. But the soil of the new world is not favorable to such a growth. Such products are not indigenous here. They are exotics and flourish only when environed by the protecting nurture of imperial cultivation. The tree of liberty grows spontaneously in this genial soil and can not be rooted out nor blighted by the noxious weeds of royal growth. By the blending of the Spanish and Aztec races there arose in time a people typical of its progenitors. Possessing that calm, patient, submissive spirit of the one, mingled with the fire, chivalry and pride of the other. A people gentle, affectionate and kind under just restraint, but indomitable, irrepressible and unrelenting when goaded by the merciless stings of oppression. Such was the people who originally sprang from

the majestic Toltec and the courtly and artistic Aztec, blended with the chivalrous and fiery Hidalgo and moulded into the Mexican nation, proud spirited and rebellious against the encroachments of Spanish despotism. Having suffered long and bitterly from the cruel exactions of irresponsible power, they were ready to assert their independence and the right of self-government. Born and raised on freedom's soil, they had breathed the air of liberty and were imbued with that spirit of self-assertion and freedom of thought which is the very essence of true government and the goal of all humanity. Fashioning their ideas of government from their sister republic of the north, they struck the tocsin of war and sounded the knell of despotism. Then stepped to the front the patriot leader of this gallant band. As Minerva sprang from the brain of Jove, so sprang this indomitable chief from the spirit of liberty. Who can ever forget "El grito de Dolores?" and who can cease to venerate the patriotism, valor and majestic heroism of Miguel Hidalgo de Costilla? Surrounded by all the comforts of life at 58 years of age this grand hero seized the standard of justice against oppression and threw himself in the front of stricken battle. Like the immortal Washington, he considered all blessings as small compared with the freedom of his country. He scorned the counsels of time-servers and sycophants and drew the sword in freedom's holy cause. The illustrious example of this distinguished man aroused the masses and drew to his devoted support all those noble souls who preferred death

to dishonor, and who loved liberty more than slavery.

The revolution raged furiously. Hidalgo, supported by such faithful followers as Allende and Aldama made gradual headway against the imperial power of Spain. Although lacking in military knowledge and experience, his energy, sincerity and zeal overcame all obstacles and the patriot band were equal to every emergency. Buffeting the waves of misfortune and struggling against difficulties almost insurmountable, Hidalgo and his patriot followers were moving slowly but surely toward the goal of their hopes, when one of those foul and disheartening episodes occurred which occasionally blacken the pages of history. Treason most vile lurked in the camp of the patriot army. Both Hidalgo and Allende were to become the victims of one of the most vile acts of treachery ever recorded. To be slain in the front of battle is a glorious death, but to fall by the hand of a friend turned traitor, is one of those perfidious acts which almost staggers belief in human fidelity. The capture of Hidalgo and Allende and their subsequent surrender to the enemy by one of the patriot officers was an act which will ever cover with eternal infamy the name of Ignacio Elizondo. The subsequent execution of Hidalgo, Allende and Aldama struck terror to the hearts of the patriots. Just on the eve of a grand consummation they saw their hopes dashed to earth. The patriots were temporarily baffled; but the cause of freedom consecrated by the blood of Hidalgo was destined soon to revivify

the spirit of patriotism which had received such a cruel blow by the treachery of Elizondo.

"Oh for a tongue to curse the slave
Whose treason, like a deadly blight,
Comes o'er the councils of the brave,
And blasts them in their hour of might!
May life's unblessed cup for him
Be drugged with treacheries to the brim
With hopes that but allure to fly,
With joys that vanish while he sips,
Like dead-sea fruits which tempt the eye
But turn to ashes on the lips!
His country's curse, his children's shame,
Outcast of virtue, peace and fame,
May he at last, with lips of flame,
On the parched desert thirsting die,
While lakes that shown in mockery nigh
Are fading off, untouched, untasted,
Like the once glorious hopes he blasted!
And when from earth his spirit flies,
Just Prophet, let the damned one dwell
Full in the sight of Paradise
Beholding Heaven and feeling hell!

In the economy of nature it generally occurs that acts of perfidy only hasten the desired consummation. The temporary success of infamy but serves to inspire additional impulse and awaken renewed zeal. Armed men spring forth like the product of dragons' teeth, and new heroes rise as if by magic to renew the work and lead on to greater results. The blood of Hidalgo cried to heaven for

vengeance and reinvigorated the patriot cause. The activity and vigor born of righteous indignation aroused still greater exertion and brought forth heroes who doubly retaliated upon Calleja and the Spanish despotism for the fiendish plot of Elizondo. Such heroes as Rayon and Morelos fought with such determined valor that at last victory rested upon their banners, and Iturbide became the first and only legitimate Mexican monarch. Thus the patriot Hidalgo of Mexico triumphed over the Hidalgos of Spain and carved his name in indelible characters in the highest niche in the temple of fame.

One monarch was enough for Mexico, the republic being soon after established. No foreign influence ever disturbed the quiet of her peaceful domain until the unfortunate civil war in the United States, when the tread of imperial power was again heard reverberating throughout the halls of the Montezumas. The French invasion under the superintendence of Maximillian was the last expiring groan of European despotism on this continent. At this epoch likewise, Mexico did not lack the heroic sentiment which crushed the haughty spirit of Spanish pretension. Profiting by the experience of her early teaching, she had organized her armies upon a modern basis and had accomplished educational and other reforms so essential to the permanent prosperity of republican government.

Internal disorder, resulting from the inherent greed of factional control, had been stamped out by the moral courage, inflexible firmness and states-

manlike ability of Mexico's second Hidalgo, Benito Jaurez. As the last foreign invasion of Mexico was incited and encouraged by local treason to liberty, so it became the life work of this grand man to destroy every vestige of disloyalty to republican authority. Struggling against the combined power of two of the most prominent monarchs of Europe, he battled with heroic vigor and displayed a fertility of resource and a Spartan integrity seldom equalled and never surpassed. An intimate personal acquaintance with this distinguished statesman is among the proudest reminiscences of my life. His character was purity itself and his lofty patriotism and unswerving confidence in his final triumph are characteristics which only belong to great souls. His exalted merits will increase in appreciation as time rolls on. His efforts were nobly seconded by a faithful band of men who fought with a courage and fortitude born of love and freedom.

The fierce contest brought out the latent military power of the nation in magnificent displays of scientific skill and prowess. Some of the military chieftains of this campaign are worthy to take first rank with the eminent men of war.

The present president of Mexico performed feats of valor and desperate daring which gave his name a universality of admiration.

When Escobedo was driven north and the Republican forces were scattered, Diaz with a small band of trusty followers resolved to take a firm stand in the valley of Mexico and never to retreat from sight of the national capital as long as it was

held by the enemy. He stood—the lone sentinel on the watch tower of liberty. Undaunted and brave, he remained in the valley watching the approaches to Mexico.

With a handful of resolute patriots he so harrassed and crippled the imperial forces that it became absolutely necessary, in order to obtain safe transit for supplies, that Diaz' army should be annihilated. Like the eagle from his eyrie he would swoop down upon the plains of Mexico, cutting the communications of the enemy and leaving destruction in his path; then, turning with the swiftness of a whirlwind, he would hie to his mountain fastnesses, where all efforts to dislodge him proved unavailing. The most desperate means were put forth to accomplish his defeat and capture. He defied all their efforts and was the only general who was able to maintain himself in the valley of Mexico despite the strenuous exertions of the army of occupation. Failing to accomplish his defeat by honorable warfare, rewards were offered for his head. The monarchical power of Mexico, supported and countenanced by two of the most prominent nations of Europe, did not hesitate to traffic in patriot blood and to excite the cupidity of assassins through the lust for imperial gold. To the honor of Mexico be it said that no son of the soil was found base enough to gratify the vengeance of royal pretension. Not even the frenzied passion of Tacubayan fury could reach the devoted head of this sterling patriot. Is it not a source of gratification to all freemen to know that Mexico is to-day honored and respected by all lovers of liberty

everywhere, in calling to preside over her republican government so worthy, so eminent, so patriotic a son as Porfirio Diaz—a gallant knight of the chivalric order who won his spurs in mortal combat with the defenders of oppression?

"One who, no more than mortal brave,
Fought for the land his soul adored;
For happy homes and altars free—
His only talisman the sword,
His only spell-word Liberty!
One of that ancient hero line,
Along whose glorious current shine
Names that have sanctified their blood,
As Lebanon's small mountain flood
Is rendered holy by the ranks
Of sainted cedars on its banks."

The cordial feeling existing between the two great republics of North America is due in a great measure to the foresight and the wise statesmanship of the Mexican president. Fully alive to the requirements of the times, he is thoroughly abreast with the spirit of the age. No puny prejudice or bigoted fear can find a resting place in the breasts of such men. Great in themselves and elevated above the groveling desires of the common herd, they take a calm and judicious review of the situation from the lofty plane of impartial judgment. May this kindly feeling forever prevail. Let no unholy desire or ambitious presumption attempt to shake the confidence or disturb the equanimity of the two republics. Let exalted statesmanship,

inspired by the vicissitudes and sufferings in the severe school of adversity, cement in bonds of fraternal feeling the international friendship now existing. Each has a glorious history and a noble future. By the exercise of charity and kindness each can assist the other in a united purpose in the cause of human rights. The noble names which shine resplendent on the pages of their respective annals should stimulate both to a greater emulation and a more lasting devotion. The patriotic blood that has been shed in a common cause should inspire a reverence for that love of liberty and justice for the establishment of which these immortals died.

Washington and Hidalgo, Lincoln and Jaurez! Grand and noble names in the historical annals of freedom's holy cause, whose transcendent and towering virtues cannot be circumscribed by geographical lines. No state or nation can claim them. They are the typical representatives of the genius of liberty. They belong to humanity. The spirit which inspired them partook of the Divine Essence, and the power of their matchless example is as boundless as Eternity itself.